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ANNUAL REPORT

OF THE

AMERICAN HISTORICAL ASSOCIATION

12-11-1

FOR

THE YEAR 1902.

IN TWO VOLUMES.

VOLUME I.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1903.

LETTER OF SUBMITTAL.

SMITHSONIAN INSTITUTION,

Washington, D. C., April 15, 1903.

To the Congress of the United States:

In accordance with the act of incorporation of the American Historical Association, approved January 4, 1889, I have the honor to submit to Congress the annual report of that Association for the year 1902.

I have the honor to be, very respectfully, your obedient servant,

S. P. LANGLEY,

Secretary.

Hon. WILLIAM P. FRYE,

President pro tempore United States Senate.

ACT OF INCORPORATION.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Andrew D. White, of Ithaca, in the State of New York; George Bancroft, of Washington, in the District of Columbia; Justin Winsor, of Cambridge, in the State of Massachusetts; William F. Poole, of Chicago, in the State of Illinois; Herbert B. Adams, of Baltimore, in the State of Maryland; Clarence W. Bowen, of Brooklyn, in the State of New York; their associates and successors, are hereby created, in the District of Columbia, a body corporate and politic, by the name of the American Historical Association, for the promotion of historical studies, the collection and preservation of historical manuscripts, and for kindred purposes in the interest of American history and of history in America. Said Association is authorized to hold real and personal estate in the District of Columbia so far only as may be necessary to its lawful ends to an amount not exceeding five hundred thousand dollars, to adopt a constitution, and to make by-laws not inconsistent with law. Said Association shall have its principal office at Washington, in the District of Columbia, and may hold its annual meetings in such places as the said incorporators shall determine. Said Association shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings and the condition of historical study in America. Said Secretary shall communicate to Congress the whole of such reports, or such portions thereof as he shall see fit. The Regents of the Smithsonian Institution are authorized to permit said Association to deposit its collections, manuscripts, books, pamphlets, and other material for history in the Smithsonian Institution or in the National Museum, at their discretion, upon such conditions and under such rules as they shall prescribe.

[Approved, January 4, 1889.]

LETTER OF TRANSMITTAL

AMERICAN HISTORICAL ASSOCIATION,
OFFICE OF THE SECRETARY,
SMITHSONIAN INSTITUTION,
Washington, D. C., April 11, 1903.

SIR: In accordance with the act of incorporation of the American Historical Association, I have the honor to transmit herewith a general report of the proceedings of the eighteenth annual meeting of the Association, held at Philadelphia, December 26 to 30, 1902. Several of the papers read and discussed at that meeting are recommended for publication in this report, together with a collection of letters from and to the Hon. Salmon P. Chase, collated by the Historical Manuscripts Commission; also a report by the Public Archives Commission, and an essay on the Anti-Masonic Party, 1827-1840, which has been awarded the Justin Winsor prize of the Association.

Very respectfully,

A. HOWARD CLARK,
Secretary.

Mr. S. P. LANGLEY, D. M. S. 1016
Secretary of the Smithsonian Institution.

CONSTITUTION.

I.

The name of this society shall be The American Historical Association.

II.

Its object shall be the promotion of historical studies.

III.

Any person approved by the executive council may become a member by paying \$3, and after the first year may continue a member by paying an annual fee of \$3. On payment of \$50 any person may become a life member, exempt from fees. Persons not resident in the United States may be elected as honorary or corresponding members, and be exempt from the payment of fees.

IV.

The officers shall be a president, two vice-presidents, a secretary, a corresponding secretary, a curator, a treasurer, and an executive council consisting of the foregoing officers and six other members elected by the Association, with the ex-presidents of the Association. These officers shall be elected by ballot at each regular annual meeting of the Association.

V.

The executive council shall have charge of the general interests of the Association, including the election of members, the calling of meetings, the selection of papers to be read, and the determination of what papers shall be published.

VI.

This constitution may be amended at any annual meeting, notice of such amendment having been given at the previous annual meeting, or the proposed amendment having received the approval of the executive council.

AMERICAN HISTORICAL ASSOCIATION.

Organized at Saratoga, N. Y., September 10, 1884. Incorporated by Congress January 4, 1889.

OFFICERS FOR 1903.

PRESIDENT:

HENRY CHARLES LEA, LL. D.,
Philadelphia, Pa.

VICE-PRESIDENTS:

GOLDWIN SMITH, D. C. L., LL. D.,
Toronto, Canada.

EDWARD McCRADY, LL. D.,
Charleston, S. C.

SECRETARY AND CURATOR:

A. HOWARD CLARK,
Smithsonian Institution, Washington, D. C.

CORRESPONDING SECRETARY:

CHARLES H. HASKINS, PH. D.,
Professor, Harvard University.

SECRETARY OF THE CHURCH HISTORY SECTION:

SAMUEL MACAULEY JACKSON, D. D., LL. D.,
New York.

TREASURER:

CLARENCE WINTHIROP BOWEN, PH. D.,
130 Fulton Street, New York.

EXECUTIVE COUNCIL:

In addition to above-named officers.

(Ex-Presidents.)

HON. ANDREW DICKSON WHITE, L. H. D., LL. D.,
Ithaca, N. Y.

HON. GEORGE FRISBIE HOAR, LL. D.,
Worcester, Mass.

JAMES SCHOULER, LL. D.,
Boston, Mass.

JAMES BURRILL ANGELL, LL. D.,
President University of Michigan.

AMERICAN HISTORICAL ASSOCIATION.

GEORGE PARK FISHER, D. D., LL. D.,
Professor, Yale University.

HENRY ADAMS, LL. D.,
Washington, D. C.

JAMES FORD RHODES, LL. D.,
Boston, Mass.

CHARLES FRANCIS ADAMS, LL. D.,
Boston, Mass.

ALFRED THAYER MAHAN, D. C. L., LL. D.,
New York.

(Elected Councillors.)

J. FRANKLIN JAMESON, PH. D., LL. D.,
Professor, Chicago University.

A. LAWRENCE LOWELL, A. B., LL. B.,
Professor, Harvard University.

F. J. TURNER, PH. D.,
Professor, University of Wisconsin.

HERBERT PUTNAM, LITT. D.,
Librarian of Congress.

GEORGE L. BURR, A. B.,
Professor, Cornell University.

EDWARD P. CHEYNEY, A. M.,
Professor, University of Pennsylvania.

TERMS OF OFFICE.

EX-PRESIDENTS.

HON. ANDREW DICKSON WHITE, L. H. D., LL. D., 1884-85.
†HON. GEORGE BANCROFT, LL. D., 1885-86.
†JUSTIN WINSOR, LL. D., 1886-87.
†WILLIAM FREDERICK POOLE, LL. D., 1887-88.
†CHARLES KENDALL ADAMS, LL. D., 1888-89.
†HON. JOHN JAY, LL. D., 1889-90.
†HON. WILLIAM WIRT HENRY, LL. D., 1890-91.
JAMES BURRILL ANGELL, LL. D., 1891-93.
HENRY ADAMS, LL. D., 1893-94.
HON. GEORGE FRISBIE HOAR, LL. D., 1894-95.
†RICHARD SALTER STORRS, D. D., LL. D., 1895-96.
JAMES SCHOUER, LL. D., 1896-97.
GEORGE PARK FISHER, D. D., LL. D., 1897-98.
JAMES FORD RHODES, LL. D., 1898-99.
†EDWARD EGGLESTON, L. H. D., 1899-1900.
CHARLES FRANCIS ADAMS, LL. D., 1900-1901.
ALFRED THAYER MAHAN, D. C. L., LL. D., 1901-2.

EX-VICE-PRESIDENTS.

†JUSTIN WINSOR, LL. D., 1884-86.
†CHARLES KENDALL ADAMS, LL. D., 1884-88.
†WILLIAM FREDERICK POOLE, LL. D., 1886-87.
†HON. JOHN JAY, LL. D., 1887-89.
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JAMES BURRILL ANGELL, LL. D., 1889-91.
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JAMES SCHOUER, LL. D., 1894-96.
GEORGE PARK FISHER, D. D., LL. D., 1896-97.
JAMES FORD RHODES, LL. D., 1896-98.
†EDWARD EGGLESTON, L. H. D., 1898-99.
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CHARLES FRANCIS ADAMS, LL. D., 1899-1900.
†HERBERT BAXTER ADAMS, Ph. D., LL. D., 1900-1901.
ALFRED THAYER MAHAN, D. C. L., LL. D., 1900-1901.

SECRETARIES.

†HERBERT BAXTER ADAMS, Ph. D., LL. D., 1884-99.
A. HOWARD CLARK, 1889—
CHARLES H. HASKINS, Ph. D., 1900—

TREASURER.

CLARENCE WINTHROP BOWEN, Ph. D., 1884—

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HON. WILLIAM BABCOCK WEEDEN, A. M., 1884-86.
†CHARLES DEANE, LL. D., 1884-87.
†MOSES COIT TYLER, L. H. D., LL. D., 1884-85.

Deceased officers are marked thus: †.

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 FRANKLIN BOWDITCH DEXTER, A. M., 1885-87.
 †WILLIAM FRANCIS ALLEN, A. M., 1885-87.
 †HON. WILLIAM WIRT HENRY, LL. D., 1886-88.
 †HON. RUTHERFORD BIRCHARD HAYES, LL. D., 1887-88.
 JOHN W. BURGESS, 1887-91.
 ARTHUR MARTIN WHEELER, A. M., 1887-89.
 GEORGE PARK FISHER, D. D., LL. D., 1888-91.
 †GEORGE BROWN GOODE, LL. D., 1889-96.
 JOHN GEORGE BOURINOT, C. M. G., D. C. L., LL. D., 1889-94.
 JOHN BACH McMASTER, A. M., 1891-94.
 GEORGE BURTON ADAMS, Ph. D., 1891-97; 1898-1901.
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 HENRY MORSE STEPHENS, A. M., 1895-99.
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 EDWARD MINER GALLAUDET, Ph. D., LL. D., 1896-97.
 MELVILLE WESTON FULLER, LL. D., 1897-1900.
 ALBERT BUSHNELL HART, Ph. D., 1897-1900.
 A. C. McLAUGHLIN, A. M., 1898-1901.
 WILLIAM A. DUNNING, Ph. D., 1899-1902.
 HON. PETER WHITE, A. M., 1899-1902.
 J. FRANKLIN JAMESON, Ph. D., LL. D., 1900—
 A. LAWRENCE LOWELL, LL. B., 1900—
 HERBERT PUTNAM, 1901—
 GEORGE L. BURR, A. B., 1902—
 EDWARD P. CHEYNEY, A. M., 1902—

Deceased officers are marked thus: †.

COMMITTEES—1903.

ANNUAL COMMITTEES.

Committee on Programme for Nineteenth Meeting (New Orleans, December, 1903): William A. Dunning, chairman, Columbia University, New York; George P. Garrison, Charles H. Haskins, Frederick W. Moore, and Charles L. Wells.

Local Committee for Nineteenth Meeting: John R. Ficklen, Edwin A. Alderman, William Beer, Alcee Fortier, and William W. Howe. (With power to add auxiliary members.)

Committee on the Entertainment of Ladies at the Nineteenth Meeting: Miss Ida M. Tarbell, chairman, New York City, and Mrs. George O. Robinson. (With authority to add auxiliary members at the discretion of the chairman.)

STANDING COMMITTEES, COMMISSIONS, AND BOARDS.

Board of Editors of the American Historical Review: George B. Adams, chairman, New Haven, Conn.; Albert Bushnell Hart, Andrew C. McLaughlin, H. Morse Stephens, J. Franklin Jameson, and William M. Sloane.

Historical Manuscripts Commission: Edward G. Bourne, chairman, New Haven, Conn.; Frederick W. Moore, Theodore C. Smith, Reuben G. Thwaites, George P. Garrison, and Worthington C. Ford.

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Committee on The Justin Winsor Prize: C. M. Andrews, chairman, Bryn Mawr, Pa.; E. P. Cheyney, Charles H. Hull, Roger Foster, and Williston Walker. (In Professor Andrews's absence during a portion of the year Prof. C. H. Hull, Ithaca, N. Y., will act as chairman of the committee.)

Committee on Bibliography: Ernest C. Richardson, chairman, Princeton, N. J.; A. P. C. Griffin, George Iles, William C. Lane, Charles Gross, Reuben G. Thwaites, and Max Farrand.

Committee on Publications: George W. Knight, chairman, Ohio State University, Columbus, Ohio; A. Howard Clark, F. M. Fling, S. M. Jackson, Miss Elizabeth Kendall, A. D. Morse, and Earle W. Dow.

General Committee: Henry E. Bourne, chairman, Western Reserve University, Cleveland, Ohio; Charles H. Haskins, Miss Lucy M. Saimon, George E. Howard, John S. Bassett, William MacDonald, George B. Adams, Marshall S. Brown, and Miss Lillian W. Johnson. (With power to add adjunct members.)

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I —REPORT OF PROCEEDINGS OF EIGHTEENTH ANNUAL MEETING OF
THE AMERICAN HISTORICAL ASSOCIATION.

PHILADELPHIA, PA., DECEMBER 26, 27, 29, 30, 1902.

By CHARLES H. HASKINS,
Corresponding Secretary.

H. Doc. 461, pt 1—2

17

REPORT OF THE PROCEEDINGS OF THE EIGHTEENTH ANNUAL MEETING OF THE AMERICAN HISTORICAL ASSOCIATION.^a

By CHARLES H. HASKINS, Corresponding Secretary.

The eighteenth annual meeting of the American Historical Association was held at Philadelphia December 26, 27, 29, and 30, 1902. It was in all respects successful and satisfactory. Many members were in attendance, the programme was excellent, and there was everywhere indication of the great activity and vitality of the Association, and of the work it is doing for the promotion of historical scholarship in America. The meeting deserves no less strong an adjective than inspiring. It showed how thoroughly the historical work of the country is organized and how much the task of the individual investigator and teacher is lightened and his efficiency improved by the generous criticism and thoughtful suggestion of others. In the best sense of the word, American scholars are to-day writing history by the coöperative method; one does not seek to supplant the other, but to supplement his labors and to give him encouragement and help. The acquaintanceship and good fellowship which are produced by the meetings of the Association are in consequence much more than merely pleasant and agreeable; they are a distinct aid to the up-building of sound historical scholarship. Moreover, one could not listen to the papers that were read without being impressed also with the great amount of thoroughly scientific work that is now being carried forward. The materials of foreign as well as American archives and libraries are profitably and sanely used to an extent until recently quite unknown. The various commissions and boards of the Association showed by their reports that they are earnestly and

^aThis general account of the Philadelphia meeting of the Association is reproduced, with slight modifications, from the report prepared for the American Historical Review (April, 1903) by the managing editor of the Review, Prof. A. C. McLaughlin.

industriously doing their part in the classification and collection of material, in the publication of papers, and in the fulfilment of other plans which will be of inestimable service to the future student of American history. The members of these committees freely give their time and attention to these duties, from which they receive no personal benefit.

The arrangements for the meeting were carefully planned and admirably carried out. Although sessions were held in five different places, so judiciously were the details managed that there was not the least confusion or discomfort. When so many persons were unsparing in their efforts, it seems almost invidious to express appreciation of the labors of anyone in particular, but possibly it will not be amiss to mention especially the work of Prof. J. B. McMaster, the chairman of the programme committee, and the tireless attentions of Dr. Herman V. Ames, the secretary of the committee of arrangements. The friends of the Association in Philadelphia were very generous in their hospitality. Every afternoon and evening except Sunday some form of friendly entertainment was provided. On Friday evening after the joint session a reception was held at the Drexel Institute in honor of the presidents of the Historical and Economic associations. Luncheons were served by the University of Pennsylvania after the morning sessions on Saturday and Monday. At the Museum of Science and Art a tea was given Saturday afternoon by the university faculties. An informal smoker was held at the University Club Saturday evening. On Monday evening the Historical Society of Pennsylvania gave a reception and supper, and Tuesday Mr. Henry C. Lea, the president-elect, was the host of the Association at a luncheon in the hall of the American Philosophical Society. The privileges of the University Club were granted to the men members of the Association, while the ladies were shown like courtesy by the New Century Club. The pleasure of the meeting was much increased by the opportunity of visiting the rooms of the Historical Society and of the Philosophical Society, and by the interest taken in the Association by citizens of Philadelphia, whose historical work has long been known to American students.

The programme, carefully arranged so as to give to each session a particular center of interest, was quite as good as

usual, and perhaps no stronger word of commendation is necessary. All the papers provided for were, with one exception, read, and the readers as a rule regarded the limits of length set by the committee on programme—a matter of no slight importance. Following the practice of the last two years, two sessions were held jointly with the Economic Association, at one of which the annual addresses of the presidents were read. The church history section did not present a separate programme. There has been a growing feeling that there is no special reason for separation, and that the cause of ecclesiastical history, as well as of secular history, is not materially advanced by segregation. If topics in church history are treated thoroughly and scientifically, there is no ground for their exclusion from the general programme. It might be well to say, however, that the existence of a separate church history section did not come about by a cleavage of the Association, but was due to the affiliation some seven years ago of a separate society with the Association.

One session of this meeting was given up to the consideration of topics in diplomacy and diplomatic history, and those especially interested have taken into consideration the formation of a distinct section in which matters of diplomatic history and current problems of international law may be discussed. There may be difference of opinion as to whether there is good ground for taking such a step, but it may be argued that it is distinctly worth while for members who are paying attention to such subjects to come together and to give some thought to the preparation of papers; and, however this may be, there is such obvious community of interest that to organize in connection with the Historical Association certainly seems better than to establish a separate society.

The first evening, Friday, a joint session was held with the American Economic Association at Drexel Institute. Mr. Joseph Wharton presided and welcomed the associations. Capt. A. T. Mahan, president of the Historical Association, discussed the subject of Subordination in Historical Treatment. He passed rapidly over certain fundamental but well-recognized attainments of every successful historical writer, such as thoroughness and accuracy of knowledge, intimate acquaintance with innumerable facts, and mastery of the sources of evidence. He referred only in a few words to the

need of sound judgment and critical faculty in the discovery of isolated truth and in the estimation of particular facts, but dwelt at length on the necessity of organization of material, on the need of interpretation that brings out the essence of a subject. Knowledge acquired by faithful, rigid, acute examination of witnesses, and by the sifting of evidence, is the material with which the historian has to deal, out of which he has to build up an artistic creation which is much more than a bundle of ascertained facts, however undeniable each individual assertion may be. To present numerous related truths so as to convey an impression which will be *the* truth is the difficult task of the writer of real history, the chief problem of the man who would be more than a mere annalist or the compiler of arid details. Ill-arranged particulars not only confuse and weary the reader, but often leave erroneous impressions that are not far removed from falsehoods. "For the casual reader emphasis is essential to due comprehension; and in artistic work emphasis consists less in exaggeration of color than in the disposition of details in regard to foreground and background and the grouping of accessories in due subordination to a central idea." The function, therefore, of the historian is not merely to accumulate facts at once accurately and in entirety, but to present them in such a way that the wayfaring man may not err in his understanding of them. Facts must be so presented as to show essential unity; but unity is not the exclusion of all save one; it is "a multiplicity in which all the many that enter into it are subordinated to one dominant thought or purpose of the designer, whose skill it is to make each and all enhance the dignity and harmony of the central idea."

Prof. E. R. A. Seligman, the president of the Economic Association, spoke on Economics and Social Progress. He dwelt on the fact that great changes had taken place in America, whose history was the history of national infancy, and that in addition to other forces economic impulses are everywhere discernible. By fully recognizing the influence of economic striving and conditions in the past one is better enabled to appreciate the meaning of the present and to look forward hopefully to the future. Such study helps to banish the idea that America's present prosperity must be followed by decadence. There are six points which differentiate us

from the civilization of the past: first, the practical exhaustion of free land, without which slavery is not likely to exist; second, the predominance of industrial capital, which means not industrial aristocracy, but democracy; third, the modern application of scientific methods to industry, making for international friendship and cooperation; fourth, the development of a competitive régime which is to be raised to a higher plane and not destroyed; fifth, the emergence of a true public opinion; sixth, the existence of the democratic ideal.

The Saturday morning session was held in Houston Hall, at the University of Pennsylvania. Provost Harrison, of the university, welcomed the Association and spoke of the history of the university and its relation to the past of the city. All the papers read during the morning were on subjects in American history. The title of Dr. James Schouler's paper was *The American of 1775*. It dealt chiefly with social and industrial conditions of the Revolutionary days, and gave an interesting description of slavery and white servitude of the time. Dr. James Sullivan, in a paper entitled *The Antecedents of the Declaration of Independence*, sought to show where the main philosophical assertions of the Declaration had previously appeared in earlier writings. He did not seek to trace out in detail the modern compact philosophy with which Jefferson was imbued or to mark out the connection between the theories of Jefferson and those of the English philosophers of the seventeenth century; but confined his attention to ancient writers, bringing out the fact that Protagoras the Sophist in the fifth century B. C. had put forth the compact theory of the state, that Socrates had spoken of natural law, that Aristotle and Plato referred to fundamental laws to which formal laws should conform in spirit, and that by the beginning of the fifth century A. D. all the important principles of the Declaration had been enunciated. The notion that there is a compact to obey kings appears in the writings of St. Augustine, where may also be found the thought that consent is the basis of government and that obedience to bad laws can be refused. The influence of Augustine through the Middle Ages serves to connect the ideas of the ancient world with the philosophers whose thinking was more directly felt by the Revolutionary fathers.

Prof. J. Franklin Jameson, of the University of Chicago, read a valuable paper on Letters from the Federal Convention of 1787, which will prove helpful to those who are seeking to understand the work of the convention. These letters supplement the official journal and the accounts of the debates given by Madison and others. The writers occasionally naively disregarded their obligations of secrecy and disclosed to their correspondents to some extent the character of the discussions that were in progress. By the study of these papers some additional light is gained on such important matters as the great controversy between the large and the small State parties. Together with certain other studies of Professor Jameson in the work of the Philadelphia Convention, this paper appears in the present volume.

Prof. William MacDonald, of Brown University, read a paper on A Neglected Point of View in American Colonial History. He declared that in spite of the great activity in publication and investigation there obtains still a natural tendency to dwell on matters of merely antiquarian interest, and that as a consequence the main lines of colonial progress and development are not properly traced and followed; that colonies are treated separately, as if they were quite unlike in character and experience; and that as a result the trouble with England, ending in war and revolution, generally flashes upon the scene quite unexpectedly, thus losing for the average reader most of its real nature and actual significance. The thought to be emphasized is that the colonies were part of the British Empire; their progress should be studied as a part of the history of English colonization; only by such study can early American history be understood. An appreciation of this palpable fact would dissipate the atmosphere of provincialism with which our history is still inclosed. By the student not desiring to promote patriotism, but to show facts, the West Indian possessions of England must not be neglected as if they held no place and played no part in colonial history. The position of these colonies, especially in the generation preceding the Revolution, is highly important. While not stimulating to American pride, the truth remains that the sugar islands were more seriously considered by the mother country than were her continental possessions. Professor MacDonald also expressed the opinion that many

phases of American life, notably slavery, can properly be understood only by a comprehensive examination of the conditions of the Empire. He also spoke in an interesting and suggestive way of the desirability of studying the introduction of English law into America, and its gradual modification by local usage and custom. This paper is in a measure supplementary to one read by Prof. Herbert L. Osgood at the Washington meeting, which dealt with American colonial history as a part of the history of English colonization, and traced out in broad lines the relationship of England and her colonies in the seventeenth century.

An interesting paper on Reasons for the Withdrawal of the French from Mexico was read by Prof. C. A. Duniway, of Leland Stanford Junior University. It examined the question as to whether or not the withdrawal of French troops which left the ill-starred Maximilian to his fate should be attributed, as writers customarily declare, to the interference of the United States and the plain intimation of Seward that the presence of a foreign army in Mexico could not be tolerated. Professor Duniway sought to show that the purpose of Napoleon was to build up in America a Latin influence able to counterbalance that of the United States, and that the true reason for giving up this earnest effort was overpowering necessity arising from many sources, and not simply the objection that came, late in the day, from Washington. Four facts, he said, were to be considered: the situation in Mexico, where it was plain that there was not the acquiescence in the rule of Maximilian that Napoleon had hoped for; such dissatisfaction in France, not only with the expense of Mexican conquest, but with several aspects of imperial plans and methods of administration, that no reliance could be placed on the continuing support of the people; the disturbing conditions in Europe, where Bismarck's strong hand was already visible, indicating the desirability of France's husbanding her resources and concentrating her energies rather than seeking distinction beyond the sea, and, lastly, the attitude of the United States, which must be considered only as a contributing cause for the abandonment of the somewhat quixotic enterprise. The first alarming note was sent to Mr. Bigelow, the American minister in Paris, November 6, 1865, when Napoleon was already under great pressure; and when the later

threatening communications were sent by Seward the difficulty of retaining the army in Mexico was already nearly, if not quite, sufficient to determine the policy of the French Government. By wise and judicious delay and by objecting at the critical moment Seward satisfied the demands of the people of this country, and yet took no serious risk of bringing on war with France. It may be said that, while this interpretation is less gratifying to American pride than is the usual interpretation, it does not detract from the wisdom of Seward's diplomacy.

The meeting of Saturday evening, at which Mr. Gregory B. Keen, librarian of the Historical Society of Pennsylvania, presided, was held in the rooms of that society, which are admirably adapted for the purpose. The first speaker was the Hon. James Breck Perkins, who discussed at some length the history of the French Parliaments. He spoke of the character and constitution of these bodies, and especially of the continuing controversy, which lasted with varying intensity for centuries, between King and Parliament as to the right or the duty of the judges to register the ordinances of the King. This was a central line of constitutional history until the Revolution. Mr. William B. Weeden, in a paper on *The Art of Weaving, a Handmaid of Civilization*, aimed not to give a technical history, but to show how one of the humblest and most domestic arts has grown out of man's experience and his contest with nature. Prehistoric as well as historic materials were freely used, and the gradual development of the upright loom among simple peoples was illustrated by outline drawings. He likewise spoke of the great variety of human motives that have stimulated the weaver; desire of comfort, awe in worship, pride of display, love of home, longing for symbolical utterance, have all moved him and contributed to his development and to the growth of his art. Prof. Charles W. Colby, of McGill University, read a very entertaining paper on *The Attractiveness of History*.

The programme of Monday morning was in the field of European history. Prof. Earle W. Dow, of the University of Michigan, in a paper on *Some French Communes in the Light of their Charters*, advocated the following propositions: first, we shall have to modify present opinion in regard to the form and content of at least many of the charters; far

from being unarranged and unordered collections of numerous unexplained matters, they are oftentimes intelligible and sensibly arranged solutions of a few problems in local conditions; second, by looking at the communes through glasses thus readjusted we get a clearer view of such associations, especially of their early aims and business; in many instances at least it is quite evident that their main function was to aid in the maintenance of law and order.

Prof. John M. Vincent, of Johns Hopkins, presented a paper on Municipal Problems in Mediæval Switzerland, calling attention to the condition of the cities, which by the close of the Middle Ages had become sovereign states joined together in a feeble confederation, but practically independent. Their government, therefore, touched the highest and lowest forms of administration; treaties with kings, private law, criminal law, markets, streets, and stray animals all came within the purview of the municipal council. The necessity of city walls for military defense had a great influence on the inner life of the community. Two forms of government existed at this time in Swiss cities. In one the trade guilds had an important place, and in the other they were forbidden; the first formed a representative government, the other an aristocracy. Both extended their powers over districts outside the city walls. The paper indicated briefly how under these circumstances trade, taxation, paving, police, social and private conduct, and other matters were regulated. Dr. Arthur M. Wolfson read a brief bibliography of Italian communal history, giving a classification of the best secondary authorities and the collections of sources. He added helpful critical comments on the more important works. The fourth paper, on American Constitutional Principles in the Constituent Assembly, by Prof. Henry E. Bourne, of Western Reserve University, was a condensation of the article since published in the *American Historical Review*,^a embodying the results of study in the French archives and other unused material.

After luncheon in Houston Hall a short session was held, at which only one paper was read. It was by Prof. James A. Woodburn, of Indiana University, on Party Politics in Indiana during the Civil War, a valuable treatment of an important subject. It dealt chiefly with the character of

^a April, 1903.

party opposition to the Lincoln Administration. The "War Democrats" sought to bring about a cessation of party strife and to aid the vigorous prosecution of the war. The "Copperheads," as the Republicans contemptuously termed the extreme peace party, were factious in their opposition, preferring the triumph of the Confederacy to the preservation of the Union by force. The main body of the Democrats in the State became almost exclusively a party of negation and obstruction, antagonizing Lincoln's conduct of the war, especially at all points where it seemed that the work of the Administration might make for emancipation; they were a party of conciliation and compromise in the interest of slavery, a party of antipathy toward abolition and toward New England as the nest of abolition heresies, a party of traditional dissatisfaction with the tariff, of attachment to abstract principles concerning constitutional right and the rights of the individual against arbitrary government. The strange and fantastic proposal for the preservation of the Union by ending the war, involving, as it did, the formation of a Union party in the South able to suppress secession and to bring about a peaceable settlement between the sections, was almost the only constructive proposition put forth during the course of the war. Mr. Woodburn's entire paper, which is published in the present volume, discusses the struggle between Governor Morton and the peace legislature of 1863, the secret political orders of the State, arbitrary arrests and treason trials, and closes with a brief consideration of the Milligan case.

At the second joint session with the Economic Association, which was held in Griffith Hall, Provost Harrison presided. The subject of Currency Problems in the Orient was discussed by Prof. Jeremiah W. Jenks, of Cornell University, who was followed by Mr. Charles A. Conant, Mr. G. Bruce Webster, and Mr. Horace White. The Historical Association was represented at this session by Judge Simeon E. Baldwin, whose paper on American Business Corporations before 1789 proved an interesting treatment of what might seem to many an arid topic.^a

Tuesday morning was given up to subjects in diplomatic

^aPrinted in *American Historical Review*, April, 1903; also in present volume.

history, especially those suggested by the proposed isthmian canal. The meeting was held in the rooms of the American Philosophical Society. Mr. Hiram Bingham, Jr., read an interesting account of the Scots Darien settlement in 1698. With new details and with reference to new materials, the story was told of the organization of Paterson's famous company, its dastardly mismanagement, the sufferings of the colonists, and the final miserable failure of the enterprise. Prof. George G. Wilson, of Brown University, commented on a letter of Humboldt, recently printed in the *American Historical Review*.^a He spoke of the influence of the letter and the value of the information and advice it contained. Prof. L. M. Keasbey, of Bryn Mawr, rapidly traced the history of the Isthmian transit question, and designated four distinct phases through which the policy regarding the transit between the oceans has passed: First, the very early national European policy, coming from the fact that Spain held colonies on the Pacific and that England also desired influence in the region and sought to control the passage; second, the Anglo-American policy, ending in the Clayton-Bulwer treaty, which provided for the neutrality of the canal; third, the international policy, following the example of the international guaranty of neutrality of the Suez Canal; fourth, the American national policy, arising from the American practice of holding aloof from the European concert, as well as from our peculiar interest and commanding position in the Western Hemisphere.

Prof. John H. Latané, of Washington and Lee University, in a paper on The Neutralization Features of the Hay-Pauncefote Treaty, ably discussed the general principle involved in the term neutralization and tried to deduce from examples of so-called neutralized countries and waterways the real significance of the term and the duties, rights, and obligations involved. He advanced the view that while the Hay-Pauncefote treaty professes to establish neutralization, its provisions are in reality contradictory and ambiguous, and that so long as England wishes to maintain a free hand in the management of the Suez Canal, which she still does in spite of the convention of 1888, she will probably not be disposed to hold the United States to a strict interpretation of the Hay-

^a July, 1902.

Pauncefote treaty, for the conditions of the Suez and Panama canals are so similar that any rule which may be developed in the one case will in all likelihood be applied in the other.

In a paper entitled Central America and the American Foreign Policy, Dr. J. M. Callahan emphasized the necessity of a study of the diplomatic correspondence of commercial as well as of political agents in Spanish America, beginning with 1809. Only by such study, he said, could one understand the development of the idea of the Monroe doctrine in the mind of Monroe, who was Secretary of State from 1811 to 1817 and continued to read the dispatches after he became President. In 1823, after issuing his message, he sent one of his closest friends on a secret mission to watch the Holy Alliance. Dr. Callahan also gave a sketch of our relations with Central America from 1822 down to the end of the civil war. It is noteworthy that in the time of Buchanan one of our prominent diplomats, in a long dispatch, proposed that the United States should enter into treaties of alliance with the Spanish-American Republics, on the basis of the Monroe doctrine and non-expansion toward the South. It is plain that during the civil war Central America, fearing European intrusion and the possible encroachment of the filibusters, favored the cause of the North and Union and became more and more friendly with the authorities at Washington.

Prof. Theodore S. Woolsey was not present, and his paper was therefore read by Mr. J. B. Henderson, Jr., to whom the Association was chiefly indebted for the preparation of the programme for this session. The paper presented a parallel between the problems of the Suez Canal and those presented by the Panama Canal. The new canal, like the older one, would effect a change in the world's trade routes, and the courses of both canals lie within the limits of States themselves too poor and too weak to act as protectors. They will inevitably bring up political and military questions of similar import; they are alike in the early application of principles of neutralization by general guaranty and in the later substitution of national for international guaranty. Moreover, Professor Woolsey prophesied that as England has strengthened her hold upon Egypt to control Suez, so the United States, forced to protect the canal, is likely to acquire a certain polit-

ical authority in Central America and to assume large responsibility for the conduct of the United States of Colombia.

After the formal papers, Mr. J. G. Rosengarten, of Philadelphia, spoke entertainingly of the history of the American Philosophical Society from the time of its foundation by Franklin, one hundred and fifty years ago, and of the valuable manuscript materials in the vaults of the society, not the least important being the original journals of the Lewis and Clark expedition, an exact transcription of which is soon to be published.

At the Washington meeting the members who were present from the South held an informal gathering and appointed a committee to investigate the status of historical study and teaching in the Southern States and to make a report at the Philadelphia meeting. This committee, of which Prof. Frederick W. Moore, of Vanderbilt University, was chairman, after a careful examination of more than sixty degree-conferring institutions, reported to the group of Southern members in attendance at Philadelphia. The report showed that history is taught in every one of these institutions, that in each of them fully half the students are each year enrolled in at least one class in history, and that while twelve colleges offer less than six hours per week there are sixteen offering more than twelve. In more than fifty of the cases examined the professor has to give a portion of his time to other subjects. The course in history offered in many instances is not strong, but the outlook is very encouraging. Noteworthy improvement in many directions has come within the past ten years. Some twenty institutions have extended their courses of history and have put the work in charge of young men who have taken their degrees at the best institutions in America and abroad. There are, moreover, many Southern students engaged in working for the doctorate in the larger universities of the country, and they are writing creditable dissertations and making important investigation of historical material. The professors in the Southern colleges are not only offering stimulus to their students, but are themselves engaged in work of historical research. The committee recommended that investigation be made into the facilities offered by American colleges before 1860 for the study of history and allied subjects,

as well as into the character of the instruction furnished. In accordance with this suggestion such a committee was appointed.

The business meeting of the Association, which was held Monday afternoon, was not less interesting and significant than the other sessions. It showed that the Association is growing in strength and has to a remarkable degree enlisted the coöperation of the active historical workers of the country, each one of whom is ready to do his part in the various enterprises that are under way. The number of members is now so large and the different parts of the country so well represented that some new need in organization and in methods of administration is not unlikely soon to arise. The idea of having a special section for the consideration of questions in diplomatic history and of problems in international law and practice has already been mentioned. Something was also said at this meeting of the desirability of finding some means for the more intimate association of those especially engaged in the study of political science and kindred subjects. Such an informal organization as that made by the Southern members at Washington and continued at Philadelphia is an indication of the various interests included in the Historical Association, and an example of how those interested in a special line of work or in particular investigation may make use of the general gathering for furthering their study and carrying on their plans. After all, in spite of the different elements that seem to be coming together, there is no great danger of disruption of the larger body. History, it may safely be said, is a commanding subject, and is not likely to be subordinated to other studies, while the capacity for organization and progress shown by its course in the past seems to prove the Association competent for solving the problems which its very advancement and success have brought in their train, and for working out the completer system which development and increasing interest may demand.

*The American Historical Association in account with Clarence W. Bowen,
treasurer.*

		DR.	
1902.			
Dec. 26	To paid treasurer's clerk hire, etc., vouchers 1, 26, 45, 59, 74, 84, 94, 109, 121, 122	\$178. 24	
	secretary's clerk hire, etc., vouchers 37, 75, 91, 113	367. 65	
	corresponding secretary's expenses, vouchers 18, 79, 98, 102, 103, 104, 118	115. 10	
	postage and stationery, treasurer and secretary, vouchers 10, 14, 22, 25, 52, 54, 55, 64, 69, 71, 77, 88, 92, 105, 106, 107	175. 42	
	American Historical Review, vouchers 9, 12, 13, 15, 17, 20, 27, 31, 34, 35, 36, 41, 46, 48, 57, 60, 63, 67, 68, 70, 83, 85, 86, 87, 89, 97, 99, 100, 111, 112, 115, 119	3, 160. 50	
	Public Archives Commission, vouchers 3, 4, 8, 11, 24, 29, 30, 38, 43, 44, 50, 56, 58, 66, 98, 120	255. 98	
	Historical Manuscripts Commission, vouchers 5, 6, 7, 33, 123, 124	205. 95	
	Winsor Prize Committee, vouchers 19, 23, 40	118. 87	
	general committee, vouchers 39, 49, 61, 80, 81, 82, 116, 117	182. 87	
	account annual report, 1900, vouchers 2, 90	40. 50	
	account annual report, 1901, voucher 53	4. 00	
	printing 1902 catalogue, voucher 47	108. 00	
	expenses eighteenth annual meeting, voucher 101	10. 75	
	expenses executive council, voucher 108	10. 00	
	engraving certificates, vouchers 16, 28, 72, 95, 110	4. 00	
	bank collection charges, vouchers 32, 51, 65, 73, 76, 96, 114	9. 73	
	printing Schaper essay, voucher 42	41. 00	
	5 shares American Exchange National Bank stock, voucher 21	1, 387. 50	
	certificate of deposit, United States Trust Co., voucher 62	4, 875. 00	
	note at 5 months, voucher 76	425. 00	
	balance cash on hand	2, 194. 21	
		<u>14, 170. 27</u>	
		CR.	
1901.			
Dec. 24	By balance cash on hand	-2, 477. 65	
1902.			
Dec. 26	1,787½ annual dues, at \$3	5, 362. 50	
	1 annual dues	3. 03	
	1 annual dues	3. 05	
	7 annual dues, at \$3.10	21. 70	
	5 life memberships, at \$50	250. 00	
	sales of publications	59. 10	
	postage on publications	1. 00	
	interest on bond and mortgage	600. 00	
	dividends on bank stock	40. 00	
	royalty on The Study of History in Schools	22. 15	
	printing Schaper essay	41. 00	
	Herbert B. Adams legacy	4, 875. 00	
	proceeds of 5 months' note	414. 09	
		<u>14, 170. 27</u>	
	By balance cash on hand	2, 194. 21	

The assets of the Association are:

Bond and mortgage	\$12, 000. 00
Bank stock, 5 shares American Exchange National Bank, New York, at \$270 ..	1, 350. 00
Cash on hand	2, 194. 21
Herbert B. Adams legacy	\$4, 875. 00
Accrued interest on certificate of deposit. June 17, 1902, to date, at 3 per cent.	78. 00
	<u>4, 953. 00</u>

Total	20, 497. 21
An increase during the year of	6, 019. 56
Or, deducting Adams legacy, of \$1, 066. 56.	

Respectfully submitted.

CLARENCE W. BOWEN, *Treasurer.*

PHILADELPHIA, December 26, 1902.

We, the undersigned auditing committee, have examined the report of the treasurer, and have found the same correct in all particulars. The treasurer has also exhibited to us the evidences of the Association's ownership in the list of assets.

A. MCF. DAVIS,
R. G. THWAITES,
Auditing Committee.

PHILADELPHIA, *December 27, 1902.*

PRESENT ACTIVITIES OF THE ASSOCIATION.

The following list enumerates the present leading activities of the American Historical Association:

(1) The annual meeting of the Association held during the Christmas holidays in the East or the West or the District of Columbia in triennial succession.

(2) The annual report of the secretary of the Association concerning the annual meeting and its proceedings, with the papers, bibliographies, and other historical materials submitted through the Secretary of the Smithsonian Institution for publication by Congress.

(3) The preservation of historical exchanges, books, pamphlets, reports, and papers of the Association in the National Museum at Washington, D. C., in the keeping of Mr. A. Howard Clark, secretary of the Association and curator of the historical collections.

(4) The Historical Manuscripts Commission of six members, established in 1895, and now receiving from the Association a subsidy of \$500 a year for the collection and editing of important manuscripts; Prof. Edward G. Bourne, New Haven, Conn., chairman.

(5) The Public Archives Commission, established in 1899, for investigating the public archives of the several States and of the United States, and now receiving a subsidy of \$500 a year for the expenses incident to preparing its reports; Dr. Herman V. Ames, of the University of Pennsylvania, chairman.

(6) The committee on publications, to pass upon papers and monographs submitted to the Association for publication; Prof. George W. Knight, of the Ohio State University, chairman.

(7) The committee on bibliography, to advise the executive council and to cooperate with the American Library Association upon matters of bibliographical interest; Dr. Ernest C. Richardson, of Princeton University, chairman.

(8) A general committee, representing the local interests of the Association; Prof. Henry E. Bourne, of Western Reserve University, chairman.

(9) The "Justin Winsor prize" of \$100 for the best unpublished monographic work based upon original investigation in American history; Prof. Charles M. Andrews, Bryn Mawr College, chairman of the committee.

(10) The church history section, which continues the work of the American Society of Church History, originally an offshoot of the American Historical Association in 1888, but since 1896 an organic part of the Association; Dr. Samuel Macauley Jackson, of New York City, secretary of the section.

(11) The American Historical Review, published quarterly, and subsidized by the American Historical Association, whose executive council elects the board of editors; Prof. A. C. McLaughlin, of the University of Michigan, managing editor.

(12) A series of reprints of the chief original narratives of early American history, published by authority of the Association; Prof. J. Franklin Jameson, of the University of Chicago, general editor.

MINUTES OF THE BUSINESS MEETING OF THE AMERICAN
HISTORICAL ASSOCIATION HELD AT HOUSTON HALL, PHIL-
ADELPHIA, PA., AT 3.30 P. M., DECEMBER 29, 1902.

President Mahan in the chair. In the absence of the secretary, his duties were performed by the corresponding secretary.

On behalf of the council, the corresponding secretary announced the following committees for the ensuing year:

ANNUAL COMMITTEES.

Committee on programme for the nineteenth meeting.—William A. Dunning, George P. Garrison, Charles H. Haskins, Frederick W. Moore, Charles L. Wells.

Local committee for the nineteenth meeting.—John R. Ficklen, Edwin A. Alderman, William Beer, Alcée Fortier, William W. Howe. (With power to add auxiliary members.)

Committee on the entertainment of ladies at the nineteenth meeting.—Miss Ida M. Tarbell, Mrs. George O. Robinson. (With authority to add auxiliary members at the discretion of the chairman.)

Delegates to the International Congress of Historical Studies at Rome, April, 1903.^a—Andrew D. White, William R. Thayer, Worthington C. Ford.

STANDING COMMITTEES, COMMISSIONS, AND BOARDS.

Editors of the American Historical Review.—Albert Bushnell Hart, Andrew C. McLaughlin, H. Morse Stephens, George B. Adams (these four hold over); J. Franklin Jameson, to fill the unexpired term of H. P. Judson (term expires January 1, 1908); William M. Sloane, reelected for term expiring January 1, 1909.

Historical Manuscripts Commission.—Edward G. Bourne, Frederick W. Moore, Theodore C. Smith, Reuben G. Thwaites, George P. Garrison, Worthington C. Ford.

Committee on the Justin Winsor Prize.—Charles M. Andrews, E. P. Cheyney, Charles H. Hull, Roger Foster, Williston Walker. (In Professor Andrews's absence during a portion of the year Professor Hull will act as chairman of the committee.)

Public Archives Commission.—Herman V. Ames, William MacDonald, H. L. Osgood, J. M. Vincent, C. M. Andrews, E. E. Sparks.

Committee on bibliography.—Ernest C. Richardson, A. P. C. Griffin, George Iles, William C. Lane, Charles Gross, Reuben G. Thwaites, Max Farrand.

Committee on publications.—George W. Knight, A. Howard Clark, F. M. Fling, S. M. Jackson, Miss Elizabeth Kendall, A. D. Morse, Earle W. Dow.

^a Appointed subsequently to the meeting in Philadelphia.

General committee.—Henry E. Bourne, Charles H. Haskins, Miss Lucy M. Salmon, Miss Lilian W. Johnson, George E. Howard, John S. Bassett, William MacDonald, George B. Adams, Marshall S. Brown. (With power to add adjunct members.)

Finance committee.—Elbridge T. Gerry, George S. Bowdoin.

The report of the treasurer and auditing committee was received and placed on file.

The council proposed a resolution recommending to the Association the plan for the proposed series of reprints of the chief original narratives of early American history submitted to the council by its committee, Messrs. Jameson and Turner. The Association voted its approval of the project with the provision that it be expressly stipulated in any contract with the publishers that the Association should not be committed to purchasing any of the books or to giving any pecuniary aid to the enterprise. It was also voted to appoint a committee of three members of the Association charged to secure a general editor and to give him such instructions as should define the relations of the Association to the enterprise and protect its interests. Profs. George B. Adams, Albert Bushnell Hart, and George L. Burr were appointed as such committee. (The committee subsequently appointed Prof. J. Franklin Jameson as general editor.)

The council laid before the Association a resolution providing that the Association pay the traveling expenses incurred by members of the council in attending one meeting a year, this meeting to be in addition to the meeting held in connection with the annual meeting of the Association. The resolution was adopted.

The following committees made brief reports: The historical manuscripts commission, Prof. E. G. Bourne, chairman; the public archives commission, Prof. William MacDonald, chairman; the board of editors of the American Historical Review, Prof. George B. Adams, chairman; the bibliographical committee, Dr. Ernest C. Richardson, chairman; the committee on publications, Prof. George L. Burr, chairman; the general committee, the corresponding secretary, chairman.

The committee on the Justin Winsor prize reported its recommendation that the prize for the year 1902 be awarded to Dr. Charles McCarthy, of Madison, Wis., for his monograph on The Anti-Masonic Party, and that honorable mention be made of Mr. W. R. Smith's monograph on South Carolina as a Royal Province. The committee also expressed its desire to modify the annual announcement of the prize by a few verbal changes and additions, and proposed the following additions to the rules governing the award of the prize, which were adopted by vote of the Association:

"That the successful competitor shall be allowed to purchase copies of his essay from the Public Printer under the restrictions prescribed by law and shall be free to put them on sale at such price as he may see fit; and that he be allowed this privilege even though the Association itself charge only fifty cents for the same bound separately.

"That a competitor be allowed to make any use of his manuscript that he may desire, even while it is in the hands of the committee of the Association, provided that in case he receive the award he defer its publication by anyone else than the Association until after the report of the

Association containing the work in question. And, furthermore, that the successful competitor relinquish all right of copyright in any essay published by the Government for the Association, since the copyright of such material is forbidden by statute."

Reports were then received from the various temporary committees which had been announced by the president at the session of Saturday morning. The committee on time and place of next meeting, consisting of Messrs. William A. Dunning, A. L. P. Dennis, and F. H. Hodder, reported in favor of holding the meeting of 1903 at New Orleans, between the 28th and 31st of December, 1903; and the report of the committee was adopted by the Association.

The committee on nominations, consisting of Messrs. G. G. Wilson, J. H. Latané, and M. Zéligzon, proposed the following list of officers for the ensuing year, for which the secretary was instructed to cast the ballot of the Association: President, Henry Charles Lea, LL. D., Philadelphia; first vice-president, Goldwin Smith, D. C. L., LL. D., Toronto, Canada; second vice-president, Edward McCrady, LL. D., Charleston, S. C.; secretary, A. Howard Clark, Smithsonian Institution, Washington, D. C.; corresponding secretary, Charles H. Haskins, Ph. D., Cambridge, Mass.; treasurer, Clarence W. Bowen, Ph. D., New York City; secretary of the church-history section, Samuel Macaulay Jackson, D. D., LL. D., New York City.

Executive council (in addition to the above-named officers and the ex-presidents of the Association): J. Franklin Jameson, Ph. D., LL. D., Chicago; A. Lawrence Lowell, A. B., LL. B., Boston, Mass.; Herbert Putnam, Litt. D., Washington, D. C.; Frederick J. Turner, Ph. D., Madison, Wis. (these four were renominated); George L. Burr, A. B., Ithaca, N. Y.; Edward P. Cheyney, A. M., Philadelphia.

The following resolutions, proposed by a committee consisting of Mr. Ripley Hitchcock, Miss Elizabeth Kendall, and Mr. St. George L. Sioussat, were unanimously adopted by the Association:

"*Resolved*, That in recording their appreciation of this most interesting and successful session of the American Historical Association, held in the historic city of Philadelphia, the Association desires to acknowledge with gratitude the thoughtful hospitality of the trustees and faculties of the University of Pennsylvania, and to offer their sincere thanks to the ladies and gentlemen of the university, whose cordial welcome has contributed so greatly to their enjoyment.

"*Resolved*, That the Association wishes to express its sincere sense of obligation to the officers of the Drexel Institute, whose generous hospitality has furnished so acceptable a feature of the session.

"*Resolved*, That the sincere thanks of the Association are extended to the Historical Society of Pennsylvania and to the American Philosophical Society for their courtesies.

"*Resolved*, That the Association gratefully acknowledges its obligation to the University Club for its kindness in opening its doors to members and providing for their entertainment, and in behalf of the ladies of the Association we wish to express our appreciation of the most acceptable hospitality of the New Century Club.

“ Resolved, That the members of the Association offer their thanks and sincere acknowledgments to the committee on reception and entertainment, whose untiring efforts, thoughtfulness, and completeness of arrangement have contributed so greatly to the enjoyment of visitors and the success of the meeting.”

The meeting adjourned at 5 p. m.

CHARLES H. HASKINS,
Acting Secretary.

THE JUSTIN WINSOR PRIZE.

[Committee: Charles M. Andrews (chairman), Byrn Mawr College; Charles H. Hull, Cornell University (acting chairman for the year 1903); Edward P. Cheyney, University of Pennsylvania; Roger Foster, New York; Williston Walker, Yale University.]

The Justin Winsor prize of \$100, offered by the American Historical Association for the encouragement of historical research, will be awarded for the year 1903 to the best unpublished monograph in the field of American history that shall be submitted to the committee of award on or before October 1, 1903.

I. The prize is intended for writers who have not yet published any considerable work or obtained an established reputation.

II. The monograph must be based upon independent and original investigation in American history, by which is meant the history of any of the British colonies in America to 1776, of other portions of the continent which have since been included in the territory of the United States, and of the United States. It may deal with any aspect of that history—social, political, constitutional, religious, economic, ethnological, military, or biographical—though in the last three instances a treatment exclusively ethnological, military, or biographical would be unfavorably received.

III. The subject-matter of the monograph must be of more than personal or local interest and in its conclusions and results must be a distinct contribution to knowledge. In its statements it must attain a high degree of accuracy and in its treatment of the facts collected it must show on the part of the writer powers of original and suggestive interpretation.

IV. The work must conform to the accepted canons of historical research and criticism. It must be presented in what is commonly understood as a scientific manner and must contain the necessary apparatus of critical bibliography (a mere list or titles will not be deemed sufficient) and references to all authorities. Failure to conform to these conditions will render a paper liable to rejection without further consideration. In length the work should not be less than 30,000 words, or about 100 pages of print. It may be more.

V. If possible each monograph submitted in competition should be typewritten, and should be presented to the committee as free as possible from erasures, interlineations, and other evidences of revision. If the work be not typewritten it must be written carefully and legibly on only one side of the sheet and must be in form ready for publication. In making the award the committee will consider not only research, accuracy, and originality, but also clearness of expression, logical arrangement, and especially literary form. The successful monograph must be written in good English. The prize will not be awarded unless the work submitted shall be of a high degree of excellence.

VI. The successful monograph will be published by the American Historical Association in its annual report. The author will be given 25 copies of his work bound separately in paper and 25 bound in cloth, but in case he desires additional copies for personal distribution or to present as part of the requirement for the doctor's degree he shall pay the cost of striking off the extra copies. Separate copies of the monograph bound in cloth may be obtained of the secretary by any one desiring them, at a cost of 50 cents each.

VII. Under the rules of the Government the successful competitor can purchase copies of his work from the Public Printer and put them on sale at such price as he may see fit. Any competitor may make such use of his manuscript as he desires, even while it is in the hands of the committee, provided that in case he receive the award he defer its publication by anyone else than the Association until after the appearance of the report of the Association containing the work in question. He must, however, relinquish all right of copyright in his essay, since the copyright of material published by the Government is forbidden by statute.

Address all correspondence to the acting chairman of the committee, Prof. Charles H. Hull, Cornell University, Ithaca, N. Y.

The prize has been awarded as follows: In 1896, to Herman V. Ames, Ph. D., instructor in American constitutional history, University of Pennsylvania, for his work entitled *The Proposed Amendments to the Constitution of the United States during the First Century of its History*; in 1897, not awarded; in 1898, not awarded; in 1899, not awarded; in 1900, to William A. Schaper, Ph. D., instructor in political science, University of Minnesota, for his work entitled *Sectionalism and Representation in South Carolina*, with honorable mention of the study of Miss M. S. Locke on *Anti-Slavery Sentiment before 1808*; in 1901, to Ulrich B. Phillips, Ph. D., instructor in history in the University of Wisconsin, for his work entitled *Georgia and State Rights*, with honorable mention of the paper of Miss M. Louise Greene on *The Struggle for Religious Liberty in Connecticut*; in 1902, to Charles McCarthy, Ph. D., of the State library, Madison, Wis., for his work entitled *The Anti-Masonic Party*, with honorable mention of W. Roy Smith for his monograph entitled *South Carolina as a Royal Province*.

**PROGRAMME OF EXERCISES AT THE EIGHTEENTH ANNUAL
MEETING OF THE AMERICAN HISTORICAL ASSOCIATION, HELD
IN PHILADELPHIA, DECEMBER 26, 27, 29, 30, 1902.**

Persons not members of the association will be cordially welcome to the sessions.

FIRST SESSION, FRIDAY, DECEMBER 26.

8 p. m.

JOINT SESSION WITH THE AMERICAN ECONOMIC ASSOCIATION.

(Drexel Institute, Thirty-second and Chestnut streets.)

1. Address of welcome.
2. Subordination in Historical Treatment. Alfred Thayer Mahan, president of the American Historical Association.
3. Economics and Social Progress. Edwin R. A. Seligman, president of the American Economic Association.

SECOND SESSION, SATURDAY, DECEMBER 27.

10.30 a. m.

(Houston Hall, University of Pennsylvania.)

AMERICAN HISTORY.

1. The American of 1775. James Schouler.
2. Antecedents of the Declaration of Independence. James Sullivan, High School of Commerce, New York City.
3. Letters from the Federal Convention of 1787. J. Franklin Jameson, professor in the University of Chicago.
4. A Neglected Point of View in American Colonial History. William MacDonald, professor in Brown University.
5. Diplomacy and the Withdrawal of the French from Mexico. C. A. Duniway, professor in Leland Stanford Junior University.

3 p. m.

Meeting of the executive council in College Hall.
Meetings of boards, committees, and commissions.

THIRD SESSION, SATURDAY, DECEMBER 27.

8 p. m.

1. The French Parliaments. James Breck Perkins.
2. The Art of Weaving—a Handmaid of Civilization. William B. Weedon.
3. The Attractiveness of History. Charles W. Colby, professor in McGill University.

FOURTH SESSION, MONDAY, DECEMBER 29.

10.30 a. m.

(Houston Hall, University of Pennsylvania.)

EUROPEAN HISTORY.

1. The French Communes in the Light of their Charters. Earle W. Dow, professor in the University of Michigan.
2. Municipal Problems in Mediaeval Switzerland. John M. Vincent, professor in Johns Hopkins University.
3. Some Bibliographical Notes on Italian Communal History. Arthur Mayer Wolfson, assistant in history in De Witt Clinton High School, New York City.
4. American Constitutional Principles in the Constituent Assembly. Henry E. Bourne, professor in Western Reserve University.

FIFTH SESSION, MONDAY, DECEMBER 29.

2.30 p. m.

(Houston Hall, University of Pennsylvania.)

WESTERN HISTORY.

- Party Politics in Indiana during the Civil War. James A. Woodburn, professor in Indiana University.

3.30 p. m.

BUSINESS MEETING OF THE ASSOCIATION.

1. Report of the council.
2. Report of the treasurer and auditing committee.
3. Report of the historical manuscripts commission.
4. Report of the public archives commission.
5. Report of the committee on the Justin Winsor prize.
6. Report of the board of editors of the American Historical Review.
7. Report of the bibliographical committee.
8. Report of the committee on publications.
9. Report of the general committee.
10. Election of officers.

SIXTH SESSION, MONDAY, DECEMBER 29.

8 p. m.

JOINT SESSION WITH THE AMERICAN ECONOMIC ASSOCIATION.

(Griffith Hall, 1420 Chestnut street.)

1. Currency Problems in the Orient. Jeremiah W. Jenks, professor in Cornell University.
2. American Business Corporations before 1789. Judge Simeon E. Baldwin, of the Supreme Court of Errors, Connecticut.
3. Discussion.

SEVENTH SESSION, TUESDAY, DECEMBER 30.

10.30 a. m.

DIPLOMATIC HISTORY.

(Hall of the American Philosophical Society, 104 South Fifth street.)

1. The Scots Darien Settlement. Hiram Bingham, jr.
2. A Letter of Humboldt Touching the Isthmian Canal. George G. Wilson.
3. The National Canal Policy. L. M. Keasbey.
4. The Neutralization Features of the Hay-Pauncefote Treaty. John H. Latané.
5. Central America and the American Foreign Policy. J. M. Callahan.
6. England and the Suez Canal. Theodore S. Woolsey.

PAPERS TO BE READ BY TITLE.

1. The Relation, in the Twelfth Century, of the Doctrine of the Sacrament of Marriage to the Canon Law of Marriage. Rev. Joseph Cullen Ayer, lecturer on canon law, Episcopal Theological School, Cambridge, Mass.
2. The Greek Church in Alaska. Rev. E. Lyman Hood, Aquebogue, Long Island, N. Y.
3. Some Remarks on English Monastic Towns. N. M. Trenholme, professor in the University of Missouri.

COMMITTEES FOR THE PHILADELPHIA MEETING.

PROGRAMME COMMITTEE.

John Bach McMaster, chairman; Charles H. Haskins, Samuel Macaulay Jackson, Dana C. Munro, Frederick J. Turner.

LOCAL COMMITTEE OF ARRANGEMENTS.

Charles C. Harrison, chairman; Herman V. Ames, secretary; Charles M. Andrews, Edwin S. Balch, Robert C. H. Brock, Edward P. Cheyney, Clarkson Clothier, Samuel G. Dixon, Franklin S. Edmonds, Theodore N. Ely, Hugh T. Henry, William I. Hull, Robert M. Janney, Charles Henry Jones, John J. Jordan, Gregory B. Keen, Henry C. Lea, William E. Lingelbach, John Bach McMaster, Samuel W. Pennypacker, William Brooke Rawle, Joseph G. Rosengarten, Isaac Sharpless, Joseph Swain, Francis H. Williams, Talcott Williams, Henry Willis, Isaac J. Wistar.

II.—SUBORDINATION IN HISTORICAL TREATMENT.

By **ALFRED THAYER MAHAN,**
President of the American Historical Association.

SUBORDINATION IN HISTORICAL TREATMENT.^a

By ALFRED THAYER MAHAN.

Members of the American Historical Association, ladies and gentlemen: The distinguished office with which you have honored me, of being your president for a civil year, involves the duty of making an address upon the occasion of our annual meeting. As time passes, and occasion succeeds occasion in multiple series, the difficulty of contributing anything new to the thought of our fellow-workers becomes increasingly apparent. One can only hope that by searching into his personal experience, by a process of self-examination, seeking to know and to formulate that which has perhaps been undergone rather than achieved, passively received rather than actively accomplished, there may emerge from consciousness something which has become one's own; that there may be recognized, as never before, precisely what has been the guidance, the leading tendency, which has characterized intentions framed and shaped conclusions reached.

One of the most distinguished of our recent predecessors in the walks of history, the late Bishop of London, Mandell Creighton, has said with much force:

There is only one thing we can give to another, and that is the principles which animate our own life. Is not that the case in private life? Is not that the case in your relationship with those with whom you come in contact? Do you not feel increasingly that the one thing you can give your brother is a knowledge of the principles upon which your own life rests? It is assuredly the most precious possession that you have. It is assuredly the one that is the most easily communicated.

Although by him urged with immediate reference to considerations of moral or religious effect, these sentences have in my apprehension their application to influence of every

^a President's address before the American Historical Association, December 26, 1902.

kind. That which you are in yourself that you will be to others. Out of the abundance of the heart the mouth, in the long run, speaketh; and if you have received the gift of utterance, more or less, you will utter most profitably that which is your own by birthright or which has been made your own by effort and reflection.

To communicate to others that which one's self has acquired, be it much or little, be it money or any other form of human possession, is not only a power but a *duty*, now so commonly recognized, so much a note of to-day's philosophy of life—if somewhat less of to-day's practice—as to need no insistence here. If it be in any measure a reproach to a man to die rich, as has been somewhat emphatically affirmed, it is still more a reproach to depart with accumulations of knowledge or experience willingly locked up in one's own breast. For the wealth of money remains, to receive such utilization as others may give it; the man can not carry it away with him; but his thoughts and his treasures of knowledge perish with him, if he has not had the unselfish pains to communicate them to others before he dies. Thus only do they become part of the common stock of mankind; like the labors, for example, of the great captains of industry, whose works, even when conceived and executed in the spirit of selfishness, remain for the benefit of posterity.

Under the pressure of the emergency to make an address, which my momentary office requires, such a line of thought is peculiarly forced upon me; for it must be obvious to all who in a general way know my past profession that the study of history has been to me incidental and late in life, which is much the same as to say that it has been necessarily superficial and limited. It is not possible, under my conditions, to claim breadth and depth of historical research. I can not be expected to illustrate in my own person the protracted energy, the extensive delving into materials hitherto inaccessible, the vast accumulation of facts, which have been so forcibly described by the late Lord Acton, in his inaugural lecture on the Study of History, as the necessary equipment of the ideal historian to-day. Had I attempted this, beginning when I did, I must have died before I lifted pen to put to paper; and in necessary consequence it follows that upon this, as upon topics closely related to it, I am as unfit to address you as Lord

Acton was most eminently qualified by his immense stores of acquirement, the most part of which he unfortunately took away with

I am therefore forced to introspection, if I am to say anything the least worthy of the recognition which you have too generously accorded me by your election. I have to do for myself what but for this call I probably should never have attempted, namely, to analyze and formulate to my own consciousness the various impressions—the “unconscious cerebration,” to use a current phrase sufficiently vague for my purpose—which have formed my mental experience as a writer of history and have probably been reflected in my treatment of materials. Do not, however, fear that I propose to inflict upon you a mental autobiography. What I have so far said has been explanatory of shortcomings and apologetic, at least in intention; I trust, also, in impression. Being now finally delivered of it, I hope to get outside and clear of myself from this time forth, and to clothe such thought as I may give you in the impersonal terms which befit an attempted contribution to a perennial discussion concerning the spirit which should inform the methods of historical writing.

There are certain fundamental factors upon which I shall not insist, because they need only to be named for acceptance. They are summarized in thoroughness and accuracy of knowledge; intimate acquaintance with facts in their multitudinous ramifications; mastery of the various sources of evidence, of the statements, usually conflicting, and often irreconcilable, of the numerous witnesses who have left their testimony. The critical faculty, so justly prized, is simply an incident to this ascertainment of facts. It plays the part of judge and jury in a trial; not establishing the facts, but pronouncing upon the evidence. It needs not therefore to be separately classified, as something apart, but is truly embraced under the general expression of “knowledge,” exact and comprehensive. In like manner the diligence and patience required for exhaustive examination of witnesses, though proper to name, form no separate class. They are, let us say, the lawyers, the advocates, whose business is to bring fully out the testimony by which the verdict shall be decided; but, like the critical equipment, they simply subserve the one bottom purpose of clear and demonstrated knowledge.

Knowledge thus established is, I apprehend, the material with which the historian has to deal; out of which he has to build up the artistic creation, the temple of truth, which a worthy history should aim to be. Like the material of the architect it will be found often recalcitrant; not because truth is frequently unpleasant to be heard, especially by prepossessed ears, but because the multiplicity of details, often contradictory, not merely in appearance but in reality, do not readily lend themselves to unity of treatment. It becomes thus exceedingly difficult to present numerous related truths in such manner as to convey an impression which shall be the truth. Not only may the formless mass of ill-arranged particulars affect the mind with the sense of confusion, like that produced by a room crowded with inharmonious furniture; not only may it be difficult to see the wood for the trees, but there may be such failure in grouping that the uninstructed reader may receive quite erroneous impressions as to the relative importance of the several incidents. As I have had occasion to say, in reviewing a military history, fidelity of presentation does not consist merely in giving every fact and omitting none. For the casual reader emphasis is essential to due comprehension: and in artistic work emphasis consists less in exaggeration of color than in the disposition of details, in regard to foreground and background, and the grouping of accessories in due subordination to a central idea.

Of the difficulty here existing history bears sufficient proof. Not merely the discovery of new evidence, but different modes of presenting the same facts, give contradictory impressions of the same series of events. One or the other is not true; neither perhaps is even closely true. Without impeaching the integrity of the historian, we are then forced to impeach his presentment, and to recognize by direct logical inference that the function of history is not merely to accumulate facts, at once in entirety and in accuracy, but to present them in such wise that the wayfaring man, whom we now call the man in the street, shall not err therein. Failing here, by less or more, the historian, however exhaustive his knowledge, by so far shares the fault of him who dies with his treasures of knowledge locked in his own brain. He has not perfectly communicated his gifts and acquirements to his brethren.

This communication is not a mere matter of simple narra-

tive, nor even of narrative vivid and eloquent. All of us know histories which by the amplitude of their details and the chronological sequence of occurrences produce in the end much the same vague generality of impression which is received from watching a street movement from a window. Here and there an incident out of the common, yet often of the most trivial in itself, catches the attention, perhaps sticks in the memory; but of the entirety nothing remains but a succession of images substantially identical, to which there is neither beginning nor end. Such may be a valid enough conception of the life of a city street, or of the general external aspect of an historic generation. Such to me is the interest of Froissart. Having the gift of pictorial utterance, he passes before you a succession of vivid scenes, concerning any one of which it is quite immaterial whether it be directly true to history. It is true to nature. You have realized on the outside one dominant aspect of the life of that bustling, seemingly inconsequent generation, through true portrayal and frequent iteration; but there is neither beginning, middle, nor end, only surface ebullition. Take the incidents of the same period selected and grouped by Stubbs in his *Constitutional History*, and you see order emerging from chaos, the continuous thread of life which was before Froissart, which under-ran his time—though it does not appear in his narrative—and which flows on to our own day.

In this interrelation of incidents, successive or simultaneous, history has a continuity in which consists its utility as a teaching power, resting upon experience. To detect these relations in their consecutiveness, and so to digest the mass of materials as to evolve in one's own mind the grouping, the presentation, which shall stamp the meaning of a period upon the minds of readers, with all the simple dignity of truth and harmony, answers to the antecedent conception by the architect of the building, into which he will put his stones and mortar. Facts, however exhaustive and laboriously acquired, are but the bricks and mortar of the historian; fundamental, indispensable, and most highly respectable, but in their raw state they are the unutilized possession of the one, or at most of the few. It is not till they have undergone the mental processes of the artist, by the due selection and grouping of the materials at his disposal, that there is

evolved a picture comprehensible by the mass of men. Then only are they in any adequate sense communicated, made part of the general stock. Work thus done may be justly called a creation; for while the several facts are irreversibly independent of the master's fabrication or manipulation, the whole truth, to which they unitedly correspond, is an arduous conception. To attain to it, and to realize it in words, requires an effort of analysis, of insight, and of imagination. There is required also a gift of expression, as often baffled as is the attempt of the painter to convey to others his conception of an historic scene, which, indeed, he may find difficulty in clearly realizing to his own mental vision. This process, however, does not create history; it realizes it, brings out what is in it.

Of such artistic presentation it is of course a commonplace to say that essential unity is the primary requirement. It must be remembered, however, that such unity is not that of the simple, solitary, unrelated unit. It is organic. Like the human body, it finds its oneness in the due relation and proportion of many members. Unity is not the exclusion of all save one. The very composition of the word—unity—implies multiplicity; but a multiplicity in which all the many that enter into it are subordinated to the one dominant thought or purpose of the designer, whose skill it is to make each and all enhance the dignity and harmony of the central idea. So in history, unity of treatment consists not in exclusion of interest in all save one feature of an epoch, however greatly predominant, but in the due presentation of all; satisfied that, the more exactly the relations and proportions of each are observed, the more emphatic and lasting will be the impression produced by the one which is supreme. For instance, as it is now trite to observe, in the *Iliad*, amid all the abundance of action, the singleness, the unity, of the poet's conception and purpose causes the mighty deeds of the several heroes, Greek or Trojan, to converge ever upon and to exalt the supreme glory of Achilles. It would have been quite possible, to most men only too easy, to narrate the same incidents and to leave upon the mind nothing more than a vague general impression of a peculiar state of society, in which certain rather interesting events and remarkable characters had passed under observation—Froissart, in short.

I speak rather from the result of my reflections than from any instance on my own part of a conscious attempt to realize my theories in an historic work, but I conceive that it would minister essentially to the intrinsic completeness of the historian's equipment, and is yet more important to his usefulness to others—his usefulness as a teacher—if, after accumulating his facts, he would devote a considerable period to his preliminary work as an artist. I mean to the mental effort which I presume an artist must make, and an historian certainly can, to analyze his subject, to separate the several parts, to recognize their interrelations and relative proportions of interest and importance. Thence would be formed a general plan, a rough model; in which at least there should appear distinctly to himself what is the central figure of the whole, the predominance of which before teacher and reader must be preserved throughout. That central figure may indeed be the conflict of two opposites, as in the long struggle between freedom and slavery, union and disunion, in our own land, but the unity nevertheless exists. It is not to be found in freedom, nor yet in slavery, but in their conflict it is. Around it group in subordination the many events, and the warriors of the political arena, whose names are household words among us to this day. All form part of the great progress as it moves onward to its consummation; all minister to its effectiveness as an epic; all enhance—some more, some less—the majesty, not merely of the several stages, but of the entire history up to that dire catastrophe—that fall of Troy—which posterity can now see impending from the first. This, in true history, is present throughout the whole; though the eyes of many of the chief actors could neither foresee it in their day nor lived to behold. The moral of fate accomplished is there for us to read; but it belongs not to the end only but to the whole course, and in such light should the historian see and maintain it. Can it be said with truth that the figure of Lady Hamilton throws no backward shadow, no gloom of destiny, over the unspotted days of Nelson's early career? A critic impatiently observed of my life of the admiral that this effect was produced. I confess that upon reading this I thought I had unwittingly achieved an artistic success.

It should scarcely be necessary to observe that artistic insistence upon a motive does not consist in reiteration of it

/ in direct words, in continual pointing of the moral which the tale carries. That true art conceals its artfulness is a cheap quotation. It is not by incessantly brandishing Achilles before our eyes, or never suffering him to leave the stage, that his preeminent place is assured in the minds of the audience. Nevertheless, the poet's sense of his own motive must be ever present to him, conscious or subconscious, if his theme is not to degenerate from an epic to a procession of incidents; and this is just the danger of the historian, regarded not as a mere accumulator of facts, but as an instructor of men. In a review of a recent biography occurs the following criticism: "The character and attainments of the man himself"—who surely is the appointed center in biography—"are somewhat obscured by the mass of detail. This is indeed the worst danger incurred by the modern historian. Where his predecessor divined, he knows, and too often is unable to manage his knowledge. To consult State papers is not difficult; to subordinate them to the subject they illustrate is a task of exceeding delicacy, and one not often successfully accomplished. The old-fashioned historian thought it a point of honor to write in a style at once lucid and picturesque. The modern is too generally content to throw his material into an unshapely mass;" content, in short, with telling all he knows. As in war not every good general of division can handle a hundred thousand men, so in history it is more easy duly to range a hundred facts than a thousand. It appears to me that these observations, of the validity of which I am persuaded, are especially necessary at the present day. The accuracy of the historian, unquestionably his right arm of service, seems now in danger of fettering itself, not to say the historian's energies also, by being cumbered with over-much serving, to forgetfulness of the one thing needed. May not some facts, the exact truth about some matters, be not only beyond probable ascertainment, but not really worth the evident trouble by which alone they can be ascertained?

I once heard of a seaman who, when navigating a ship, pleased himself in carrying out the calculated definement of her position to the hundredth part of a mile. This, together with other refinements of accuracy, was perhaps a harmless amusement, only wasteful of time; but when he proceeded to speak of navigation as an exact science, he betrayed to my

mind a fallacy of appreciation, symptomatic of mental defect. I speak with the utmost diffidence, because of my already confessed deficiency in breadth and minuteness of acquirement; but I own it seems to me that some current discussions not merely demonstrate their own improbability of solution, but suggest also the thought that, were they solved, it really would not matter. May we not often confound the interest of curiosity with the interest of importance? Curiosity is well enough, as a matter of mental recreation; truth is always worth having; but it may in many cases be like the Giant's Causeway to Dr. Johnson—worth seeing, but not worth going to see. It is troublesome enough to handle a multitude of details so as to produce clearness of impression; but to add to that difficulty a too fastidious scrupulosity as to exhausting every possible source of error, by the accumulation of every imaginable detail, is to repeat the navigator's error by seeking to define an historical position within a hundredth of a mile. Neither in history nor in navigation do the observations, and what is called the personal equation, justify the expectation of success; and even could it be attained, the question remains whether it is worth the trouble of attaining. Lord Acton's "Study of history" is in this respect a kind of epic, dominated throughout in its self-revelation by the question why so learned a man produced so little. May not the answer be suggested by the vast store of appended quotations lavished upon the several thoughts of that one brief essay?

It appears to me sometimes that the elaboration of research predicated by some enthusiastic devotees of historical accuracy, who preach accuracy apparently for its own sake, is not unlike that of the mathematicians who launched a malediction against those who would degrade pure mathematics by applying it to any practical purpose. Mathematics for mathematics alone, accuracy only to be accurate, are conceptions that need to be qualified. An uneasy sense of this is already in the air. Since writing these words I find another reviewer complaining thus: "The author is content simply to tell facts in their right order, with the utmost pains as to accuracy, but with hardly any comment on their significance. Of enthusiasm there is only that which specialists are apt to feel for any fact in spite of its value." There is a higher accuracy than the weighing of scruples; the fine dust of the balance rarely turns

the scale. Unquestionably, generalization is unsafe where not based upon a multitude of instances; conclusion needs a wide sweep of research; but unless some limit is accepted as to the number and extent of recorded facts necessary to inference, if not to decision, observation heaped upon observation remains useless to men at large. They are incapable of interpreting their meaning. The significance of the whole must be brought out by careful arrangement and exposition, which must not be made to wait too long upon unlimited scrutiny. The passion for certainty may lapse into incapacity for decision—a vice recognized in military life, and which needs recognition elsewhere.

I have likened to the labor of the artist the constructive work of the historian, the work by which he converts the raw material, the disconnected facts, of his own acquirement to the use of men; and upon that have rested the theory of historical composition, as it appears to my own mind. The standard is high, perhaps ideal; for it presupposes faculties, natural gifts, which we are prone to class under the term of inspiration, in order to express our sense of their rarity and lofty quality. This doubtless may be so; there may be as few historians born of the highest order as there are artists. But it is worse than useless to fix standards lower than the best one can frame to one's self; for, like boats crossing a current, men rarely reach as high even as the mark at which they aim. Moreover, so far as my conception is correct and its development before you sound, it involves primarily an intellectual process within the reach of most, even though the fire of genius, of inspiration, may be wanting. That informing spirit which is indispensable to the highest success is the inestimable privilege of nature's favored few. But to study the facts analytically, to detect the broad leading features, to assign to them their respective importance, to recognize their mutual relations, and upon these data to frame a scheme of logical presentation—all this is within the scope of many whom we should hesitate to call artists, and who yet are certainly capable of being more than chroniclers, or even than narrators.

In fact, to do this much may be no more than to be dryly logical. It is in the execution of the scheme thus evolved that the difficulty becomes marked; like that of the artist who falls short of reproducing to the eyes of others the vision

revealed to himself. Nevertheless, simply by logical presentation the keenest intellectual gratification may be afforded—the gratification of comprehending what one sees but has not hitherto understood. From this proceeds the delineation of the chain of cause and effect; the classification of incidents, at first sight disconnected, by a successful generalization which reveals their essential unity; the exposition of a leading general tendency, which is the predominant characteristic of an epoch. These processes do not, however, end in mere gratification; they convey instruction, the more certain and enduring because of their fascinating interest.

To conceive thus the work of the historian is perhaps natural to my profession. Certainly, from this same point of view, of artistic grouping of subordinate details around a central idea, I have learned to seek not only the solution of the problems of warfare, but the method of its history; whether as it concerns the conduct of campaigns, which we call strategy, or in the direction of battles, which we define tactics, or in the design of the individual ship of war. Unity of purpose—exclusiveness of purpose, to use Napoleon's phrase—is the secret of great military successes. In using this word exclusiveness, which reduces unity to a unit, Napoleon was not weighing scrupulously the accuracy of his terms. He was simply censuring the particular aberration of the officer addressed, who was so concerned for a field of operations not immediately involved as to allow his mind to wander from the one predominant interest then at stake. But, though exaggerated, the term is not otherwise incorrect, and the exaggeration is rather that of emphasis than of hyperbole. Other matters may need to be considered, because of their evident relations to the central feature; they therefore may not be excluded in a strict sense, but equally they are not to usurp the preeminence due to it alone. In so far its claim is "exclusive," and their own exist only as ministering to it.

The military historian who is instructed in the principles of the art of war finds, as it were imposed upon him, the necessity of so constructing his narrative as to present a substantial unity in effect. Such familiar phrase as the "key of the situation," the decisive point for which he has been taught to look, upon the tenure of which depends more or less the fortune of war, sustains continually before his mind the idea,

to which his treatment must correspond, of a central feature round which all else groups, not only subordinate, but contributive. Here is no vague collocation of words, but the concrete, pithy expression of a trained habit of mind which dominates writing necessarily, even though unconsciously to the writer. So the word "combination," than which none finds more frequent use in military literature, and which you will recall means to make of two one, reminds him, if he needs to think, that no mere narrative of separate incidents, however vivid as word painting, fulfills his task. He must also show how all lead up to, and find their several meanings in, a common result, of purpose or of achievement, which unifies their action. So again "concentration," the watchword of military action, and the final end of all combination, reminds him that facts must be massed as well as troops, if they are to prevail against the passive resistance of indolent mentality, if they are to penetrate and shatter the forces of ignorance or prejudice, which conservative impression has arrayed against them.

It is not in the coloring, but in the grouping, that the true excellence of the military historian is found; just as the battle is won, not by the picturesqueness of the scene, but by the disposition of the forces. Both the logical faculty and the imagination contribute to his success, but the former much exceeds the latter in effect. A campaign, or a battle, skillfully designed, is a work of art, and duly to describe it requires something of the appreciation and combinative faculty of an artist, but where there is no appeal beyond the imagination to the intellect impressions are apt to lack distinctness. While there is a certain exaltation in sharing, through vivid narrative, the emotions of those who have borne a part in some deed of conspicuous daring, the fascination does not equal that wrought upon the mind as it traces the sequence by which successive occurrences are seen to issue in their necessary results, or causes apparently remote to converge upon a common end. Then understanding succeeds to the sense of bewilderment too commonly produced by military events, as often narrated. Failing such comprehension, there may be fairly discerned that "it was a famous victory;" and yet the modest confession have to follow that "what they fought each other for"—what the meaning of it all is—"I can not well

make out." No appointed end is seen to justify the bloody means.

This difficulty is not confined to military history. It exists in all narrative of events, which even in the ablest hands tends to degenerate into a brilliant pageant, and in those of less capable colorists into a simple procession of passers by—a more or less commonplace street scene—to recur to a simile I have already used. It is the privilege simply of the military historian that, if he himself has real understanding of the matters he treats, they themselves supply the steadying center of observation; for the actions are those of men who had an immediate recognized purpose, which dictated their conduct. To be faithful to them he must not merely tell their deeds, but expound also their plan.

The plan of Providence, which in its fulfillment we call history, is of wider range and more complicated detail than the tactics of a battle, or the strategy of a campaign, or even than the policy of a war. Each of these in its own sphere is an incident of history, possessing an intrinsic unity of its own. Each, therefore, may be treated after the fashion and under the limitations I have suggested; as a work of art, which has a central feature around which details are to be grouped, but kept ever subordinate to its due development. So, and so only, shall the unity of the picture be successfully preserved; but when this has been done, each particular incident, and group of incidents, becomes as it were a fully wrought and fashioned piece, prepared for adjustment in its place in the great mosaic, which the history of the race is gradually fashioning under the Divine overruling.

I apprehend that the analogy between military history and history in its other aspects—political, economical, social, and so on—is in this respect closer than most would be willing at first to concede. There is perhaps in military history more pronounced definiteness of human plan, more clearly marked finality of conclusion, and withal a certain vividness of action, all of which tend to enforce the outlines and emphasize the unity of the particular subject. A declaration of war, a treaty of peace, a decisive victory, if not quite epoch-making events, are at least prominent milestones, which mark and define the passage of time. It is scarcely necessary to observe, however, that all these have their very definite analogues in that

in his History of England in the seventeenth century, interposes from time to time in breaks of the narrative. This is not, I fancy, the most artistic method. It resembles rather those novels in which the motives and characters of the actors are explained currently instead of being made to transpire for themselves. Nevertheless the line of light thus thrown serves to elucidate the whole preceding and succeeding narrative. The separate events, the course and character of the several actors, receive a meaning and a value which apart from such a clew they do not possess.

I conceive that such a method is applicable to all the work of history from the least to the greatest; from the single stones, if we may so say, the particular limited researches, the monographs, up to the great edifice, which we may imagine though we may never see, in which all the periods of universal history shall have their several places and due proportion. So coordinated, they will present a majestic ideal unity corresponding to the thought of the Divine Architect, realized to His creatures. To a consummation so noble we may be permitted to aspire, and individually to take pride, not in our own selves nor in our own work, but rather in that toward which we minister and in which we believe. Faith, the evidence of things not seen as yet, and the needful motive force of every truly great achievement, may cheer us to feel that in the perfection of our particular work we forward the ultimate perfection of the whole, which in its entirety can be the work of no one hand. It may be, indeed, that to some one favored mind will be committed the final great synthesis; but he would be powerless save for the patient labors of the innumerable army which, stone by stone and section by section, have wrought to perfection the several parts; while in combining these in the ultimate unity he must be guided by the same principles and governed by the same methods that have controlled them in their humbler tasks. He will in fact be, as each one of us is, an instrument. To him will be intrusted, on a larger and final scale, to accomplish the realization of that toward which generations of predecessors have labored; comprehending but in part and obscurely the end toward which they were tending, but yet building better than they knew because they built faithfully.

THE ANTECEDENTS OF THE DECLARATION OF INDEPENDENCE.

By JAMES SULLIVAN, PH. D.

The doctrines of the Declaration of Independence may, for convenience of treatment, be grouped under five heads: First, the doctrine of equality—all men are created equal; second, the doctrine of inalienable rights; third, that the origin of government was in a conscious act—governments are instituted (the doctrine of the social compact is present here, though it is not expressly mentioned); fourth, the powers of government rest on the consent of the governed; fifth, the right to throw off government, hence the right of revolution.

In regard to the second of these doctrines—that is, the doctrine of inalienable rights—it will not be inapropos to say a few words in order to define our position toward such theories in general. Very recently we have heard a great deal about all kinds of rights. Enlightened editors and correspondents of various New York newspapers have written learnedly about the numerous rights of man, inalienable and otherwise. A former lawyer of this State has announced that he has certain inalienable rights because the constitution of Pennsylvania says so; a city superintendent of schools has declared that teachers have an inalienable right to strike; and various labor organs have heralded in type measurable only by a foot rule that man has the inalienable right to labor and to prevent others from laboring. In fact, in the public mind of to-day inalienable rights are those things which we reserve for ourselves and deny to our enemies.

This whole discussion in the press has served to illustrate the wide gulf which separates the scholarly world from the general public. As a matter of fact, the world of learning

long ago abandoned the state-of-nature theory, with all its corollaries of equality, inalienable rights and others, but the world at large still seems to be, in respect to such doctrines, back in the eighteenth century. Such a state of mind is not surprising, however, when we consider that the average man stops his schooling at a stage in his mental development when such doctrines as those expounded in the Declaration of Independence leave an indelible impression which can not be removed by mere contact with the active, commercial world.

Into the discussion as to whether there are such things as inalienable rights it is not the purpose of this paper to go at any length. Had man been blessed in the beginning with an inexhaustible as well as a bountiful supply of the luxuries and necessities of life, such as existed in proverbial Eden, we may be safe in saying that the doctrine of inalienable rights would never have arisen. Unfortunately for him, however, the very necessities of life—omitting luxuries altogether—gave out at times, and the pack of which he was a part seemed to think that the easiest way was the best way, and took what they could get from their neighbors. When the neighbors had nothing but their own flesh, the conquering hungry ones took that. Now the eaten men may have thought in their own primitive way that they had an inalienable right not to be thus devoured, but it is doubtful if they could have convinced the eaters to accept any such high-flown notions. In truth could the eaten have changed places with the eaters, the idea of man's inalienable right to his life would scarcely have found place in their rudimentary brains."

Fortunately for man he did progress, and there arose some sort of crude, social unit which gave a rather uncertain guarantee that an individual's life was his own, and that no one could deprive him of it with impunity. In other words, the so-called inalienable right of life was made possible to man by organization. If we once grant this, however, we destroy its whole character of inalienability, for that which is inalienable in the sense of the Declaration not only can not be taken away, but is actually part of man from all time.

Such, and I do not think I am making the case too strong, is the position of modern writers on this subject. The right

^a See the interesting study by Spencer and Gillen, *The Native Tribes of Central Australia*. London, 1899.

to breathe, the right to move along the street without molestation, the right to property—in sum, the right to life is made possible to us by organized society. If through the course of history man has been allowed to enjoy certain privileges without interference, it has not been because he has any inalienable rights, but simply because organized society, for her purposes, has not found it necessary to deprive the individual of them. Against her, however, prescription does not run, and if at any time through her agent of government she sees fit to deprive us of some of these so-called inalienable rights, which we have hitherto enjoyed, she may do so. This, however, is merely a question of power and not of expediency. We may grant that what organized society can do is limited only by physical laws, but we may at the same time think it highly inadvisable to interfere with certain privileges which the individual has enjoyed for generations. For instance, many of us to-day think it inadvisable for society to deprive man of the privilege of having private property in land or in movables, but few would deny her power to do so.

It has been necessary thus to define our position in regard to this doctrine of inalienable rights in order to show clearly the attitude which we occupy in tracing the history of this and the other doctrines contained in the Declaration. The connection between these doctrines and the works of Hooker, Hobbes, and Locke is so generally acknowledged^a that I shall confine my attention only to their history before the time of Hooker (1554 ?–1600). Even in the period before his time it is my intention to touch only upon such authors as state most clearly the substance of the doctrines of the Declaration, for I wish to avoid reading into many of the theories more than is really there.

The first men who advanced doctrines bearing a semblance to that of the social compact were Protagoras and the Sophists (481–411 B. C.). Though Protagoras wrote a work on the state it has been lost, and we know his theories only through Plato. For these theories we have two passages, one in the dialogue entitled Protagoras and the other in the Republic. In the first of these Protagoras is called upon by

^aLowell, A. L.: *Essays on Government*. Boston, 1889. Pp. 136–188, "Theory of the social compact." McLaughlin, A. C.: "Social compact and constitutional construction," *Amer. Hist. Rev.*, April, 1900, p. 468. Fisher, G. P.: "Jefferson and the social compact," *Amer. Hist. Assn. Report*, 1893, pp. 163–177.

Socrates to show how political virtue may be taught, and Protagoras does so by telling a myth or fable, now known as the Prometheus myth.^a

The essence of this is that men, being disunited in a state of nature, found it necessary to form a union against the wild animals. But unity for this purpose did not prevent them from fighting among themselves as individuals, and Zeus and Prometheus interfered, and, inspiring men with a sense of justice, caused them to unite on a basis of respect for the rights of others.

The passage from the Republic which refers to the same matter is as follows:

To commit injustice is, they [the Sophists] say, in its nature a good thing, and to suffer it an evil thing; but the evil of the latter exceeds the good of the former; and so, after the twofold experience of both doing and suffering injustice, those who can not avoid the latter and compass the former find it expedient to make a compact of mutual abstinence from injustice. Hence arose legislation and contracts between man and man.^b

As Protagoras is known to have taken the position of an agnostic toward the gods, it is safe to say that in his actual theory the union among men was made not at the instigation of the gods, but by an actual ordinance or conscious act on the part of men. Thus one of the theories of the Declaration finds expression as early as the fifth century B. C. It is not to our purpose, however, to explain the theory of Protagoras by examining the actual conditions of the Athenian state at the time, resting as it did on an individual basis. When all is said we must see that his theory is philosophical, and that no attempt was made, so far as our knowledge goes, to make any political application of it.

In connection with the theory of natural rights it is to be noted that the Sophists made a distinction between φύσει, by nature, and νόμος, by law, based upon the unchangeableness of the former as opposed to the variability of the latter according to time and space. It remained for later writers to develop this distinction in more detail and with more particular reference to the rights which men were supposed to derive from one source or the other.

Socrates himself spoke of certain unwritten institutions of

^a The Dialogues of Plato, trans. Jowett. Oxford, 1892. Vol. I, p. 122.

^b Republic, Bk. III, 358-359.

^c Xenophon, Memorabilia, Bk. IV, ch. iv.

the gods, the same in every land, and of divine, not human, origin. It is important and fortunate for us that he enumerates some of those natural laws, for they are very different from the rights which the fathers of the Declaration thought they enjoyed by reason of certain fundamental and unchangeable laws of nature. They are, according to Socrates, the worship of God, duty to parents, gratitude, and requital of benefits, which are universally established in men's minds as rules of right conduct.

In the writings of Plato (427-347 B. C.) and of Aristotle (384-322 B. C.) there is little to detain us. They believed that a natural impulse in man led to the origin or slow growth of the state. In the *Laws*^a of Plato there is reference to a compact between three kings and three cities pertaining to the kind and character of rule to be given; but this agreement is historical, not philosophical, in its nature, and refers to states already established and not to any theory of their origin. As it stands, however, it may very well be said to express the idea of a compact between ruler and subject.

In the *Rhetoric*^b of Aristotle there is a reference to "natural" law in the phrase: "Natural justice is law because it is right; conventional justice is right because it is law." Unwritten or natural laws are moral laws or principles to which all positive laws should conform. In his *Politics* he speaks much about revolutions, but he formulates no right of revolution; about equality in the state, but he does not say that men are created equal. Similarly, Plato says that in the matter of laws willingness of the subjects and not force should be considered,^c but he does not say that a state and its laws exist by the consent of the governed.

The Cynics of Aristotle's time had preached that life according to the right reason of man was the highest good, but their doctrines along this line do not seem to have had much effect until Zeno (308 B. C.) took them up and out of them developed the Stoic philosophy. Briefly stated, the doctrines of the Stoics were: Virtue rules the world; and as virtue is the rational part of man's soul, that which is according to man's reason is binding. Human law is derived from it, and justice is therefore natural and not derived from convention or compact. The individual, nevertheless, is complete in himself,

^a *Laws*, Bk. III, 684.

^b *Rhetoric*, Bk. I, 13, 2.

^c *Laws*, Bk. III, 690.

but as a reasonable being he must recognize society and subject himself to its ends and needs. Those who own one law are citizens of one state and contribute to each other's good. In this manner Zeno conceives of the people of the world as members of his universal state or republic. In this there is no family life or nationality, but all are merged into the common brotherhood of man. This cosmopolitanism and equality were the great doctrines of Stoicism. Like the signers of the Declaration, the Stoic philosophers had to face the great fact of slavery, and, like them, they glossed it over. To the Stoics only the wise men were really free, and the unwise were slaves. This, however, was but a poor makeshift and did not conceal their true belief and doctrines.

The Epicureans (306 B. C.) regarded all union of one man with another as superfluous, though useful to protect the individual from wrong by others. They characterized the state as an organization of men to insure safety, and resting upon a convention or compact (*συνθήκη*) of individuals.

It is not necessary to take much time to explain the causes for the origin of these doctrines of the Stoics and Epicureans. After Alexander the Great the uncertainty of political conditions and the loss of national independence on the part of the Greek states had weakened the regard of the Greeks for their own particular states. Instead of the state the individual became the object of attention, and speculation about him led to their theories.

These two systems of philosophy connected the Greek world with the Roman. In the development of their theories, however, the Stoics were responsible for a certain confusion between rights by law (*νόμος*) and rights by nature (*φύσει*), applying to the latter the same meaning as to the former.

Among the Romans, Polybius,^a for he may be called a Roman, discovered the origin of the state in man's instinct, and Cicero discovered it in man's love of society and not in his weakness. For us Cicero's ideas of natural law are most important, for from such were formulated the theories of natural rights. The science of the nature of law, according to Cicero,^b does not come from the codes such as the Twelve Tables, but from philosophy herself. In all men there is a natural reason or sense of right and wrong. It is born in us—

^a Bk. VI of his history.

^b De Republica and De Legibus.

put in us by God and nature—and from this comes natural law. From natural law come natural rights, but of these Cicero attempts no definition or enumeration. He does say, however, that although men in a state of nature may not be equal as regards riches or ability, there are certain equal rights which they all have. This is the nearest approach to giving his theory of natural rights a political significance.

Thus, by Cicero's time (106–43 B. C.) there were three ideas of the Declaration known to the world. These were, first, the conscious instituting of government by men, held by Protagoras, the Sophists, and the Epicureans; second, the equality of men—an idea advanced by the Stoics; and third, the idea of natural rights developed by Cicero. These ideas, however, were not combined into any one system, were imperfectly defined, and were not of any political, but only of philosophical, significance.

Christianity emphasized but did not express in more definite terms the equality and brotherhood of man. It was left for the Roman jurists of the early empire, especially Gaius and Ulpian, to give us a more definite statement of the doctrines of equality and of natural rights.

The parts of the juristic notions which most immediately concern us are to the effect that the law of each nation is divided into two parts—that which natural reason sets up among all men (called *jus gentium*, because all nations use it) and that which is peculiar to a particular nation. Thus the Roman people use partly their own law, and partly a law common to all men. But besides this *jus gentium* there is another kind of law, *jus naturale*, a law common to all animals, among whom man himself is included, a law followed blindly and without reason. To this latter kind of law belong, for example, the union of man and woman, matrimony, and the procreation and education of children.

Men, in distinction from the lower animals, however, were taught by natural reason. Feeling the pressure of custom and the needs of life, they established certain rules among themselves. Wars arose and slaves were made from captives, but this was contrary to natural law, for by natural law all men are from the beginning born free, and in the enjoyment of their natural rights they are all equal. Furthermore, no civil regulations should be contrary to these natural rights.

In the absence of any enumeration of these rights we are at a loss to know how much political significance to attach to this expression, especially since the later jurists declared that the will of the prince had the force of law. This was somewhat tempered, however, by the declaration that the prince had his power only because the people gave it to him.

Probably no statements exercised so much influence on subsequent political theory as did these of the Roman jurists. Studied and commented upon during the Middle Ages, they formed the basis for political ideas throughout the whole period.

Of the early church fathers, Ambrose (born 340 A. D.) believed in a state of nature where there was no private property, but St. Augustine (354-430)^a is by far the most important for us. He adopted the theory of Cicero and Plato that man was led by his own nature to enter society, but he connected with it the idea that man entered society to have peace. To the whole he added the very important doctrine that there was a general pact of human society to obey kings. So far as I know, this is the first use of the word "*pactum*" in this connection, although of course it is possible that St. Augustine may have drawn it from some work now lost. We must note, also, that this does not refer to a compact to form a state, but to an agreement to obey kings, an idea similar in many ways to the one spoken about by Plato in his *Laws*.

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In this "*pactum*" of St. Augustine is to be found the beginning of the idea that government rests on the consent of the governed. Government, he says, is to render service to those who are governed. In the natural order of the world God arranged for man to rule only animals. One man was not to be ruled by another. Like the Stoics and like the men of our Revolutionary period, St. Augustine had to face the institution of slavery. He declared it to be a temporary institution of this world existing on account of man's sin. By natural and divine law it is unjust, but by human law it is not so. In the divine city, the *civitas dei*, where sin does not exist, there will be no slavery and the rule of one man over another will cease.

^a Confessiones, especially Bk. III; De Civitate Dei, especially Bk. XIX; Sermons in the Ante-Nicene and Post-Nicene Fathers, Vol. VI, p. 302.

Fully as important as these doctrines of St. Augustine is his further statement that it is not always bad not to obey a law, for when the ruler makes one which is contrary to God, hence to divine and natural law, then it is not to be obeyed. This, so far as I know, is the first absolutely unqualified and complete statement that obedience is to be refused to a ruler. Socrates and the Apostle Peter had expressed similar ideas, but not in so complete a form.^a The jurists had said that civil regulations should not be contrary to natural rights, but they had evolved no theory of non-obedience. In this doctrine of St. Augustine we see the beginning of the theory of active resistance or revolution. It was Christianity's first contribution to political theory by making the law of God not only equal but superior to the law of nature.

In adding these two theories—first, that the power of kings rests on the consent of the governed given in the form of a pact, and, second, that obedience need not be given to the laws of a ruler which are contrary to the laws of God—to the three already existing at the time of Cicero, St. Augustine completed in number the five theories of the Declaration of Independence. His influence on the theorists of the Middle Ages was enormous. Scarcely any works outside of the Bible were used more than his.^b

The theory of the consent of the governed was to a certain extent preserved during the period from the death of St. Augustine to the time of Gregory VII in the election of the German King by the people. It was modified somewhat by the theory that God gave the power of government to the people and that they in turn gave it to the kings. By this sort of compromise the very ancient theory of the divine origin of the kingship was reconciled with the theory that

^aProfessor Dunning called to my attention that Socrates said he would obey God rather than the laws of the Athenians (Apology, 29), and that Peter said he would obey God rather than man (Acts v, 29). These passages contain the idea of resistance. The position of Socrates is, however, very doubtful. He steadily maintained that he was, in his teachings and actions, following the promptings of "the God;" and still, when the Athenians imprisoned him for doing so, he did not carry his theory of resistance into effect, but on the contrary preached absolute submission to law and authority, even when he must have felt that the law in punishing him was in conflict with the divine spirit which moved him to teach (see Crito). If the tradition concerning Peter's martyrdom were to be believed, he also took an attitude similar to that of Socrates. Certainly Paul preached the doctrine of submission to a ruler, and that without qualifications.

^bSee Mirbt, Carl. Die Stellung Augustin's in der Publizistik des gregorianischen Kirchenstreites. Leipzig, 1888.

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government came from the people. The theory of active resistance to the mandates of a prince began more and more to hinge on the question of the superiority of the laws of God, represented by the pope, over the laws of man, represented by the king or emperor.

Hincmar of Rheims (806–882)^a says that a king who does not attend to his duties or goes beyond them—in other words, becomes tyrannical—is to be judged by the priesthood and is to lose his office by the fact of his tyranny. Nicolas I,^b pope from 858 to 867 and a contemporary of Hincmar, says that tyrants must be resisted, for they rule contrary to law. We can see from these examples that the church was gradually enlarging upon the right of revolution; but the whole question was coming to be one of personal interest. Down to St. Augustine at least the various theories had been advanced from a philosophical point of view and with an entire absence of any feeling that the particular theory under discussion was aiding any political cause. From the time of St. Augustine, however, it becomes more and more evident that theories are advanced or opposed according as they tend to support or destroy the particular cause in which their advocates are interested.

This is especially true of the fight which broke out between Henry IV of Germany and Pope Gregory VII (1073–1085). Each side took up those theories which most advanced its own interests. The imperial protagonists clung to the theory of the divine right of kings, while the papal supporters took up those theories in which we are most interested. It was evident that if the latter could establish anything like the five doctrines of the Declaration of Independence, their cause was well-nigh won.

To treat the individual theorists of this time is impossible, as their tracts run into the scores. We shall attain our end if we find that they use any of the doctrines in which we are interested. Gregory VII^c himself says that the state originated in man's pride assisted by the devil. The pope, as representative of the spiritual power, may depose the emperor, who represents the temporal or state power. Manegold^d von

^a See works in Migne, vol. 126.

^b Letters in Mansi, vol. 15.

^c See works in Migne, vol. 148.

^d See the M. G. H. Libelli de Lite.

Lautenbach (1081), one of the most important supporters of the pope, declared that the state was the mere work of man. Kingship does not exist by nature or by merit. Even the word king is a mere word of office. The power which he has was given to him by the people. They did not exalt him above themselves so as to concede to him the free faculty of exercising tyranny, but they exalted him so that he should defend them from tyranny and interference by others. The people established government for mutual protection. They made a compact with the king and chose him king that he might force evil men to obedience and defend the good from the bad. If he falls into tyranny himself, the people are freed from his dominion and from subjection to him. As you would dismiss a swineherd for not taking care of his herd, so must you with better and more just reason remove a king. Here we have three complete theories of the Declaration of Independence: Governments are consciously instituted by compact; their powers rest on the consent of the governed; and the people have the right to overthrow them. In opposition to these theories, the supporters of the emperor offered others, such as those of the divine right of kings and passive obedience, but they do not concern our inquiry.

The only noncontroversial work of the period, the *Politicus* of John of Salisbury (1120-1180), affords little of interest to us. The prince is said to be the minister of the public good and the servant of justice, and to represent the public. If he rules by violence, he is a tyrant and should be killed. The person who does not pursue him commits a crime against himself and the whole body of society. For it is not only permissible to kill a tyrant, but it is equitable and just, and justice and equity are the very end of the state.

This is a very different theory of resistance from the earlier ones we have examined. St. Augustine advocated disobedience, and Manegold von Lautenbach declared that a tyrant could be deposed. Neither, however, placed his theory on ethical grounds, but on the grounds that the king held his power by virtue of a pact or agreement with the people. John of Salisbury, however, weakens his case by adopting the arguments of some of the imperial protagonists and declaring that some tyrants should not be killed, because they

are set over men on account of their sins. How a man is to determine if a tyrant belongs to the latter or the former class or if a king is a tyrant at all is not told us.

Gratian, who, about 1137-1142 attempted a codification^a of the canon law after the model of the Roman code, defined natural law as that which is contained in the New Testament (*Evangelio*), by which each one does unto others as he wishes to be done by, and does not do unto others that which he does not wish done to him. Divine laws exist by nature, human law by custom, which varies with different peoples. Divine law is identical with natural law. *Jus naturale* is common to all nations, and precedes all law in time and dignity. It includes such topics as the union of man and women, the rearing of children, community of goods, one liberty for all, the acquisition of those things which are to be taken in the air, on the earth, or in the sea, the repulse of violence with force. The debt to Roman law on the question of rights in a state of nature is obvious.

Jus gentium, which the Roman jurists had more or less confused with *jus naturale*, is by Gratian said to pertain to war, captivities, boundaries, alliances, thus acquiring with him that sense of international law in which Grotius used it.

Of greatest importance is the theory of the canonists in regard to general questions affecting all members of the church. That which touches all must be acted upon by all. If the officers of the church act for them it is only as their representatives. This purely ecclesiastical doctrine found its way into political life, and was used by Edward I of England in 1295 in a summons to his bishops to attend Parliament.

The scholastics of the time give us something about the right of resistance. Peter Lombard^b says obedience must be rendered to the prince unless his commands conflict with a law of God. Alexander of Hales^c doubts the justice of the rule of one man over another in view of the fact that all men are equal, and thinks that the rule of man should be over animals only. St. Bonaventure^d takes a similar view, and adds that power, when it is abused, may be taken away. The rule of one man over another is not according to nature, but arises in a corrupt state of nature when rulers are set up by human laws. According to the true state of nature all things are in

^aThe Decretum.

^bSententie.

^cSumma Theologica.

^dSententie.

common, but in the state of nature which has lapsed the right of private property comes in to prevent strife.

The influence of Aristotle during the thirteenth century led St. Thomas Aquinas (1225-1274)^a to abandon the compact theories so prevalent since St. Augustine. Nevertheless, he devotes some attention to natural law and introduces a new distinction between it and divine or eternal law. Though according to natural law all property was in common and all men free, the term may be made to include private property and slavery, which developed later because man's natural reason told him they were of use to him. So St. Thomas extends his idea of natural law to include these institutions under the head of natural rights, which previous theorists had accounted for on altogether different grounds.

Though disapproving of such a radical theory of tyrannicide as that advanced by John of Salisbury, St. Thomas does believe that if it is a right of the people to provide themselves with a king, it not unjustly belongs to them to remove him or curtail his power. A similar conclusion can be drawn from the work of Engelbert von Volkersdorf (1250-1311),^b a supporter of the popes, when he says that kingship rests on a *pactum subjectionis* on the part of the people among themselves to obey a king.

The struggle between Pope Boniface VIII and Philip IV, of France, was productive of no such theories as we found in the controversial writings of the investiture struggle. The conflict between Emperor Louis IV, of Bavaria (1286-1347), and the popes, however, brought into prominence again all five of the theories of the Declaration of Independence. All of them found expression in the works of two supporters of the Emperor—Marsiglio of Padua^c and William of Ockham.^d In defending the Emperor the latter occupied a rather anomalous position. Schooled in the ecclesiastical doctrines of the origin of the state he found it impossible to give up those theories when circumstances forced him into the ranks of the supporters of the Emperor. It is necessary to know this in order to understand why Ockham, a protagonist of the Emperor, should put to use theories used by such a rabid papal supporter as Manegold von Lautenbach.

^a Summa Theologica, De Regimine Principum.

^b De ortu Romani Imperii.

^c Defensor Pacis.

^d Works in Goldast, Monarchia.

Thus far we have seen that the doctrines of the Declaration, originating in philosophical abstractions, came to be used after St. Augustine for distinctly utilitarian and party purposes. They were mainly advanced by churchmen, but as churchmen were the only learned men of the Middle Ages, and played a leading part in political struggles, this is not surprising.

Wiclif (1335?-1384),^a however, marks a turning point. He supported neither temporal nor spiritual lords. He advanced his theories more because he believed in them than because they favored one cause or the other. Under the circumstances it is not surprising that the doctrine of equality reached the lay world through him rather than through the former controversialists.

When Adam delved and Eve span,
Who was then the gentleman?

was the cry for equality of the lower classes, which they had taken from Wiclif.

It remained for one of the writers during the Conciliar Movement in the early part of the fifteenth century—Nicolas of Cusa^b—to take all the doctrines of the Declaration and combine them into a systematic whole. “Since all men,” he says, “are by nature free, then government rests on the consent of the governed;” and so he proceeds, deriving one doctrine from another as he goes along.

Nicolas of Cusa in advancing his theories had no partisan end to serve. After his time, however, the doctrines of the Declaration were again used, notably in the Wars of Religion in France, to advance party ends. Hubert Languet^c (1518–1581) at that time was their best exponent.

To trace in detail the various theories between the time of Nicolas of Cusa and Richard Hooker is impossible in the time at our disposal. I think I have shown that the principles of the Declaration existed long before Hooker’s time. As an ecclesiastic he was familiar with them, and only helped to make them known to his own and to future generations.

Philosophical in their origin, the doctrines of the Declara-

^a Political-ecclesiastical works edited by Poole, R. L.

^b *De Concordantia Catholica*.

^c *Vindiciae contra tyrannos* is usually attributed to him. Lossen (1887) thinks it was written by Du Plessis-Mornay, but Treumann (1895) and Landmann (1896) adhere to Languet as the author.

tion came to be advanced for purely partisan purposes, only to be abandoned after the controversy had been won or had died out. Our own Declaration is not free from such imputations, and even now, at the threshold of the twentieth century, we are allowing the accusation to be brought against us that we used the sentiments of the Declaration when they served our purposes, but we abandon them when the same are used against us by struggling races of the East.

H. Doc. 461, pt 1—6.

AN HISTORIC PHRASE.^a

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The Declaration of Independence has always enjoyed the reputation of an effectively phrased state paper. The draughtsman of the document has been honored, perhaps even beyond his very great desert, for the incisive forms in which were expressed the political philosophy and the political facts which underlay the separation from Great Britain. But the glory of Jefferson has always been associated particularly with the enunciation of fundamental doctrine at the beginning of the Declaration—the natural equality of man, the consent of the governed as the basis of government, and the rest. Not less effective and masterly is the formula in which independence is definitely announced at the end of the paper:

These united colonies are, and of right ought to be, free and independent States. * * * All political connection between them and * * * Great Britain is, and ought to be, totally dissolved.

There is a pleasing fullness and finish in that phrase, “are and of right ought to be.” It leaves no doubt that the deed is done, and is done permanently. First, the colonies *are* free. The fact—the main thing—is thus made perfectly clear. Only secondly and subsidiarily, as is common if not proper in high politics, the law and morals of the matter appear—“and of right ought to be.” The formula thus appeals to the philosophic sense by its content as well as to the material sense by the rhythmic collocation of plain, strong Saxon words.

As I reflected on this phrase it seemed to me that the man who coined it should have the credit for his work. To Jefferson this credit could hardly go with certainty, for the

^a The discussion of the preceding paper of Dr. Sullivan brought out this contribution to the subject, which is worthy of preservation in this connection.

phrase appeared in the resolution introduced by R. H. Lee in Congress on June 7, 1776, and was merely taken over and incorporated with the rest of the resolution in the formal Declaration. Yet Jefferson was closely in touch with the group of radicals from whom the whole movement for independence received its stimulus, and it would not have been impossible that he should have contributed to the resolution something of his phrase-making genius. But whether the formula was due to Jefferson or to Lee or to another of their group becomes an obsolete question when one reads a certain passage in the Drapier's Letters of Dean Swift. There it is said that the letters were written to show the people of Ireland that "by the laws of God, of nature, of nations, and of their own country they *are and ought to be* as free a people as their brethren in England." Swift had a facility in handling the English language that might well justify the conclusion that the phrase was of his make, and the setting of it in the passage quoted gives it even greater impressiveness than appears in the Declaration. Could it be, then, that the draughtsman of the resolution at Philadelphia merely appropriated from a master of virile English a form of expression that had been used fifty years before?

Further investigation proves that the answer to this question must in all probability be negative and, further, that Swift himself could claim the meed, not of ingenious invention, but only of judicious selection. Thirty-odd years before Swift wrote was formulated one of the most famous of English state papers—the Bill of Rights of 1689—and in this we find (sec. 7) Parliament enacting that William and Mary "did become, *were, are, and of right ought to be* by the laws of this realm our sovereign liege Lord and Lady." Priority in the use of the phrase thus is clearly with the statesmen of the Whig Revolution, and both Swift and the American are convicted of a deliberate or unconsciously reminiscent appropriation of an early lawyer's locution. The Bill of Rights was, however, a state paper of sufficient consequence to justify recourse to it as a model. But a very little investigation will found a suspicion that the phrase we are tracing was not specially devised for use in the Bill of Rights. When we enter the controversial literature of the Puritan Revolution in the middle of the seventeenth century we are assailed at every

turn by suggestions, if not actual expressions, of the formula. And, passing back to the reign of James I, we find that the House of Commons in 1621, in protesting against one of the numerous lectures to which it was subjected by that sapient monarch, declared that "every member of the House of Parliament *hath and of right ought to have* freedom of speech." Forty years earlier, in 1583, Whitgift's Articles Touching Preachers affirms that "Her Majesty, under God, *hath and ought to have* the sovereignty and rule over all manner of persons born within her realms." Twelve years earlier still (1571) in certain Puritan regulations in the diocese of Peterborough the "confession" contained the declaration that "the Word of God * * * [*is*] *and ought to be* open, to be read and known of all sorts of men."^a

In view of all these instances, which apparently might be indefinitely multiplied, the only safe conclusion seems to be on the whole that the formula in the Declaration was a commonplace of political English, and that the draughtsman would have had a better claim to distinction in avoiding than in using it. Yet the phrase is unquestionably effective, and one would like at least to find consolation in the thought that it has a peculiar fitness for the English race, amid which it originated; that its clean cut and incisive terms reflect something of that strong political genius which we have been taught has come straight down from the forests of ancient Germany through the God-favored, even if historically indeterminate, Anglo-Saxons.

But before we lay that flattering unction to our souls we must read again the account of that notable drama of A. D. 1300, in which the leading parts were played by Pope Boniface VIII and Philip the Fair of France, neither of whom boasted a drop of English or Anglo-Saxon blood in his veins. The French king claimed to be independent of all human authority. Boniface, replying with his characteristic force and directness, said: "Let not the French say in their pride that they have no superior. They lie. *Quia de iure sunt et esse debent sub rege Romano et Imperatore.*" (For *of right they are and ought to be* subject to the Roman King and the Emperor.)

^a Prothers, Stats. and Const. Docs., p. 204.

It would seem, then, that the phrase has a history antedating modern times and running wholly clear of English tradition. I have made no attempt to trace this history beyond 1300 A. D. It does not seem extravagant to fancy it running through the great political and moral controversies of Rome and Greece and Egypt and Assyria to the dimmest antiquity of the race.

IV.--STUDIES IN THE HISTORY OF THE FEDERAL
CONVENTION OF 1787.

By JOHN FRANKLIN JAMESON,
Professor, University of Chicago.

STUDIES IN THE HISTORY OF THE FEDERAL CONVENTION OF 1787.

By Prof. JOHN FRANKLIN JAMESON.

Of the papers here printed, the first was read at the Philadelphia meeting of the Association. The rest owe their presence here to the merciful institution known as "leave to print." Most of them are merely essays in "the lower criticism." But need one apologize for textual criticism in such a case? Minute and technical studies respecting transactions intrinsically unimportant may justly be disapproved. But those persons who agree with Darwin's declaration that the Anglo-Saxon migration across the Atlantic may very likely be the most important event in human history will think that the minutiae of the Philadelphia Convention are as well deserving of elaboration as those of the councils of Sardica and Chalcedon—not to say Nicæa and Trent. An age which every year prints some scores of pages of textual criticism of the lives of Merovingian saints can surely devote a few to the immediate origins of the American Constitution, though it be but to "settle *hoti's* business." The following is a list of the papers comprising the series:

- I. Letters from the Federal Convention.
- II. Letters not heretofore printed.
- III. List of letters in print.
- IV. The text of the Virginia plan.
- V. The text of the Pinckney plan.
- VI. The text of the New Jersey plan.
- VII. The text of Hamilton's plan.
- VIII. The Wilson drafts for the committee of detail.
- IX. Members who did not sign.
- X. The action of the States.
- XI. Journals and debates of the State conventions.

Of the above papers, those numbered II and III seem to

be necessary adjuncts of the first; No. VIII presents an important new text; No. IX is intended to meet an apparent though small need. Of X and XI, which are bibliographical in their character, no more is thought than that they may possibly help some weary brother. I venture to think No. V the most important.

I. LETTERS FROM THE FEDERAL CONVENTION.

There is certainly no lack of information concerning the doings of the great Federal Convention which met in this city one hundred and fifteen years ago. The proceedings of each day may be followed in the journal of the Convention and in the invaluable record of its debates kept by Madison—not the least of the many public services for which we are indebted to that methodical little man. Yet I think it not hopeless to attempt to derive some further illustrations of its history from the letters written by various of the members during the continuance of its sessions. Such as they are, they form a record no less authentic than the official journal, and even more strictly contemporaneous than Madison's notes in the form in which the latter have been presented to us. Moreover, their number is not small. About eighty have been printed, in whole or in part or in summary,^a and through the kindness of their owners I have been permitted to have copies of a considerable number which still remain in manuscript. It is true that many, if not most of them, are insignificant for the present purpose. It is also true that their contents are vastly less instructive than they would doubtless have been if the Convention had not, on May 29, adopted as one of its formal rules the injunction "that nothing spoken in the House be printed or otherwise published or communicated without leave."^b But it should be remembered that a portion, though a small portion, of the transactions of the Convention preceded this decree. In the second place, not every member, though to be sure nearly all, observed the rule with the utmost strictness. Gilman of New Hampshire, excusable perhaps as having arrived very late and but a few days before the date of the

^a A list of the printed letters forms No. III of this series of studies. In the footnotes to this first paper letters are, for the sake of brevity, referred to by their numbers on that list.

^b Documentary History of the Constitution, I, 54.

letter quoted, writes to his cousin Joseph, with an astonishing misconception of a very stringent rule—

As secrecy is not otherwise enjoined than as prudence may dictate to each individual, in a letter to my brother John, of the 28th instant, I gave him (for the satisfaction of two or three who will not make it public) a hint respecting the general principles of the plan of National Government that will probably be handed out—which will not be submitted to the legislatures, but after the approbation of Congress to an assembly or assemblies of representatives recommended by the several legislatures, to be expressly chosen by the people to consider and decide thereon.^a

(The letter to John Taylor Gilman seems not to be extant.) Other members felt the obligation of the rule to be somewhat relaxed during the later portion of the Convention's proceedings, when the great questions had been settled, and communicated to their anxious friends some notion of the stage which had been reached in the transactions, and even in a few cases some hints of the contents of the instrument which they were framing. Even the cautious and punctilious Madison, writing on the 6th of September, feels free to describe the Constitution in outline to his correspondent, because that correspondent is Jefferson in Paris and the Convention is evidently within a few days of adjournment.^b Finally, it is worth noting that a certain number of the letters are addressed by members remaining in Philadelphia to members who have gone home, or vice versa. and in these we find, as we might expect, a greater freedom of utterance.^c A notable example is a most striking letter of Washington to Hamilton, written at the crisis of the Convention.^d But of this later.

Naturally it is the outward aspects of the Convention which are most largely illustrated by these letters. Some of them exhibit the slowness of the members in arriving at Philadelphia—the tedious delays in securing a quorum.^e Others relate the comings and goings of such as did not remain throughout the entire four months.^f It would in most cases be possible by their use to explain the absence of those members whose names are not signed to the instrument, yet who are not

^a No. 54.

^b No. 75.

^c Letters of members to members are: Nos. 6, 8, 19, 24, 32, 39, 49, 55, 63, 67, 69, 70, 77.

^d No. 39.

^e Nos. 1, 4, 5, 6, 9-13, 54. No. 17 gives a list of members.

^f Nos. 24, 27, 37, 42, 43, 48, 49, 50, 55, 56, 62, 63, 66, 68.

named as among those who refused their signatures.^a The most interesting of the letters of the absent is that in which Hamilton explains to Rufus King that he had written to his recalcitrant colleagues informing them that if either of them would come down he would accompany him to New York. "So much," he says, "for the sake of propriety and public opinion." "In the meantime," he adds, "if any material alteration should happen to be made in the plan now before the Convention, I will be obliged to you for a communication of it. I will also be obliged to you to let me know when your conclusion is at hand, for I would choose to be present at that time."^b Later he writes inquiring into the truth of the rumor, current in New York, that some late changes in the scheme have taken place "which give it a higher tone."^c Interesting also are those letters which show that one of Major Pierce's reasons for absence was the expectation of fighting a duel, in which Hamilton was second to his adversary.^d

Some of the earlier letters show the anxieties and difficulties of the members as to quarters.^e Some of them went into lodgings, some to taverns. Washington was entertained at the house of Robert Morris. Mason put up at the old Indian Queen, in Fourth street, above Chestnut, where, says he--

we are very well accommodated, have a good room to ourselves, and are charged only twenty-five Pennsylvania currency per day, including our servants and horses, exclusive of club in liquors and extra charges; so that I hope I shall be able to defray my expenses with my public allowance, and more than that I do not wish.^f

As time went on, however, and the proceedings bade fair to be prolonged far beyond the time originally expected, not a few of the members found their public allowance far from sufficient, and letters to the executives of the States asking for remittances to meet unexpected expenses are not infrequent.^g They are not themselves dissatisfied that the work is

^a This has been attempted, by means of these letters and other sources of information, in No. IX of this series of papers, pp. 157-160, *infra*.

^b No. 63.

^c No. 69.

^d Nos. 48, 49, 50.

^e Nos. 4, 6, 8.

^f No. 4. That Pierce lodged at this same hostelry appears from his statement in a memorandum printed in the *American Historical Review*, III, 328. Madison and Charles Pinckney lodged in the same house with each other (*Madison's Letters*, IV, 203); so probably did Read and Dickinson (No. 8).

^g Nos. 18, 22, 23, 41, 51, 53.

being done deliberately,^a but Madison twice writes Jefferson that the public mind is very impatient for the event.^b Early in July there is a prediction that the delegates will be detained till the middle of August.^c Before the end of July the 1st of September is talked of as the time of release.^d By the middle of August a continuance till the middle of September begins to be foreseen.^e

Something of the social life of the members transpires in the letters,^f though not so much as in Washington's diary.^g The daily dinners and tea-drinkings which that much-enduring man tranquilly records wore desperately upon the country-loving and less patient spirit of George Mason. He had been but ten days in Philadelphia when he wrote:

I begin to grow heartily tired of the etiquette and nonsense so fashionable in this city. It would take me some months to make myself master of them, and that it should require months to learn what is not worth remembering as many minutes is to me so discouraging a circumstance as determines me to give myself no manner of trouble about them.^h

It is not illegitimate to derive a little amusement from the comparison of two letters of Franklin.ⁱ The one (corroborated by Washington's diary) shows that he entertained the members at dinner on the 16th of May, two days after the date on which the Convention should have begun its sessions. The other, in which he is describing to his sister the recent enlargements of his house, tells her that his new dining-room enables him to have a dinner-party of twenty-four. As president of Pennsylvania, the sagacious doctor must dine the delegates; but, born not in vain in Yankee land, he placed his invitation early, when not half the delegates had arrived. It was not his fault that they were so slow in assembling. As nearly as it can be calculated, there must have been just about

^a Nos. 23, 61.

^b Nos. 44, 75.

^c No. 35.

^d Nos. 46, 51.

^e Nos. 58, 59, 62, 65.

^f Nos. 2, 11, 14, 28.

^g Washington's diary for the period of the Convention exists in two forms. The Library of Congress possesses a volume, which, according to its *Calendar of Washington Manuscripts* (pp. 65, 66), "is probably the original notebook from which the amplified diary, now in the Department of State, was written at a later period." Its text for the period in question was printed, with omissions, in the *Pennsylvania Magazine of History*, XI, 296-308. From the diary in its finished form, preserved at the Department of State, extracts have been printed by Sparks (IX, 538-541) and by Ford (XI, 140-155).

^h No. 11.

ⁱ Nos. 2, 14.

twenty-four members in town on the 16th; two days later they would have been, in a proper sense, one too many for him.

But much more important things than these are to be found in the letters. Beginning with the earliest letters, we catch glimpses of those private and preparatory consultations of which the official records tell us nothing. "The Virginia deputies (who are all here)," says Mason, writing in the days when a quorum had not yet come together, "meet and confer together two or three hours every day, in order to form a proper correspondence of sentiments; and for form's sake, to see what new deputies are arrived, and to grow into some acquaintance with each other, we [that is, the Convention] regularly meet every day at 3 o'clock."^a The ordinary hours of meeting, by the way, are stated by one member as being from 10 o'clock till 4.^b Franklin writes to his sister, immediately after the adjournment of the Convention:

I attended the business of it five hours in every day from the beginning, which is something more than four months. You may judge from thence that my health continues; some tell me I look better, and they suppose the daily exercise of going and returning from the statehouse has done me good.^c

Washington in his diary speaks of "not less than five, for a large part of the time six, and sometimes seven hours, sitting every day."

But to return to the earliest days of the Convention. It will be remembered that soon after the Randolph or Virginia plan was presented Charles Pinckney, of South Carolina, presented a plan, and also that it has wholly disappeared,^d for that which is printed in the journal under his name is demonstrably something quite different. Now, a letter written in those early days before a quorum had been obtained gives an

^aNo. 4.

^bNo. 62. The journal, however, shows these hours as definitely fixed during only the period from August 18 to August 24. See No. 67. After that the hours were from 10 to 3. From May 28 to June 2 the hour of meeting was 10 o'clock, from June 4 to August 18 11 o'clock, but without specified hour for adjournment. Documentary History, I, 132, 154; III, 559, 613, et passim.

^cNo. 83. Watson, *Annals*, ed. 1891, I, 402, says that the municipal authorities covered the street pavement outside the statehouse with earth to silence the rattling of wheels during the time of the Convention. In the Documentary History, I, 280, is printed a communication from the Library Company of Philadelphia, extending the privilege of drawing books to the members of the Convention during its continuance.

^dSo it was universally supposed at the time when this paper was read; but see pp. 128, 132, *infra*, and the American Historical Review, VIII, 509-511.

outline of a plan which the writer of the letter had seen and copied, and which, though he does not give the author's name, can be demonstrated to have been Pinckney's, which accordingly was in existence as early as May 20.^a

The events of the first days' proceedings of the Convention are not related in a manner different from that of the journal; but the letters show much of the spirit which the delegates manifested at the beginning of their labors, of the various expectations which they and others formed concerning their work, and of the prevalent notions as to what it should be.^b If George Mason's estimate was correct, the prevailing opinion at the beginning of the sessions was in favor of a total renovation of the existing articles and a government at least as strongly centralized as that which was outlined in the Virginia resolutions soon after presented.^c But it should be said that his estimate was formed at a time when the large States were more fully represented in Philadelphia than the small. The spirit in which the work was begun was obviously marked by the expectation and the desire of harmony. Many passages declare, forcibly and even eloquently, the writers' sense of the magnitude of the occasion and of the critical situation in which the United States stood.^d Pierce in his notes, published a few years ago, speaks of himself as having occupied "a seat in the wisest council in the world."^e Johnson, of Connecticut, a graver man, tells his son that the assembly includes many of the ablest men in America,^f while Robert Morris writes to his sons in Germany that they ought to pray for a successful issue to the Convention's labors, "as the result is to be a form of government under which you are to live, and in the administration of which you may probably hereafter have a share, provided you qualify yourselves by application to your studies,"^g and one of the North Carolina delegates takes satisfaction in believing that they have contributed to the happiness of millions.^h

The situation of the General Government [wrote Washington], if it can be called a government, is shaken to its foundation and liable to be overturned by every blast. In a word, it is at an end, and unless a remedy is soon applied anarchy and confusion will inevitably ensue.ⁱ

^a No. 6. See pp. 119, 120, *infra*.

^b Nos. 4, 5, 9, 15, 16, 18.

^c No. 5.

^d Nos. 10, 15, 16, 21, 28, 60, 66.

^e *American Historical Review*, III, 834.

^f No. 29.

^g No. 28.

^h No. 66.

ⁱ No. 15.

No member of the Convention was less inclined to rhetorical exaggeration than George Mason; none surpassed him in the gift of a terse and masculine eloquence.

America [he writes to his son] has certainly upon this occasion drawn forth her first characters. There are upon this Convention many gentlemen of the most respectable abilities and, so far as I can discover, of the purest intentions. The eyes of the United States are turned upon this assembly and their expectations raised to a very anxious degree. May God grant we may be able to gratify them by establishing a wise and just government. For my own part I never before felt myself in such a situation, and declare I would not, upon pecuniary motives, serve in this Convention for a thousand pounds per day. The revolt from Great Britain and the formations of our new governments at that time were nothing compared to the great business now before us. There was then a certain degree of enthusiasm which inspired and supported the mind; but to view through the calm, sedate medium of reason the influence which the establishment now proposed may have upon the happiness or misery of millions yet unborn is an object of such magnitude as absorbs, and in a measure suspends, the operations of the human understanding.^a

It may naturally be supposed that the hopefulness with which the Convention began its work was overclouded by the discordant debates which marked the last days of June and the first days of July, days in which it long seemed impossible to bring into any agreement the conflicting desires of the large and the small States. Several extant letters show that this was plainly felt to be the great crisis of the Convention, in which the danger of breaking up without result was imminent.^b Most strikingly is this shown by the letter of Washington to Hamilton already alluded to.

When I refer you [he says] to the state of the counsels which prevailed at the period you left the city [some ten days before] and add that they are now, if possible, in a worse train than ever, you will find but little ground on which the hope of a good establishment can be formed. In a word, I almost despair of seeing a favorable issue to the proceedings of our Convention, and do therefore repent having had any agency in the business. * * * I am sorry you went away. I wish you were back. The crisis is equally important and alarming, and no opposition, under such circumstances, should discourage exertions till the signature is offered.^c

As has already been said, in the later months of the Convention one finds in the correspondence occasional disclosures as to the stage reached in the proceedings. But these add nothing to what is in the journal, except the evidences of relief when, the main outlines of the Constitution having

^a No. 16.^b Nos. 30-33, 39.^c No. 39.

been completed, it had been handed over to the Committee of Detail.^a More interesting are the letters in which hints respecting the Constitution itself are conveyed.

It is not probable [writes one of the North Carolina delegates, August 12] that the United States will in future be so ideal as to risk their happiness upon the unanimity of the whole, and thereby put it in the power of one or two States to defeat the most salutary propositions and prevent the Union from rising out of that contemptible situation to which it is at present reduced.^b

Gilman's disclosures as to the process of ratification have already been mentioned. Madison, after outlining to Jefferson the powers proposed to be conferred on the General Government, remarks:

The extent of them may perhaps surprise you. I hazard an opinion, nevertheless, that the plan, should it be adopted, will neither effectually answer its national object nor prevent the local mischiefs which everywhere excite disgust against the State governments.^c

As the Convention draws to its close several members, looking forward to the action of Congress upon it, express to the authorities of their States an anxiety that the latter shall maintain an adequate representation in Congress, in order that that body may act promptly, and get the Constitution before the State legislatures at their autumnal sessions.^d One of the last letters is one in which Dickinson, writing to Read, authorizes the latter to sign his name to the Constitution, as he wishes to leave a few days before the close.^e I am informed by Mr. Andrew H. Allen, the official custodian of the original document, that Dickinson's signature to it is undoubtedly written in Read's hand. Finally comes the brief note in which Maj. William Jackson, secretary of the Convention, informs General Washington that—

Major Jackson, after burning all loose scraps of paper which belong to the Convention, will this evening wait upon the General with the journals and other papers which their vote directs to be delivered to his excellency Monday evening.^f

^a Nos. 34, 46, 56, 58, 65, 68.

^b No. 58.

^c No. 75.

^d Nos. 34, 62, 65.

^e No. 77.

^f No. 78. From a conversation with Jackson in 1818, which John Quincy Adams records, *Memoirs*, IV, 175, it appears that Jackson did preserve extensive minutes of the debates of the Convention. Possibly these are still extant; see Appleton's *Cyc. Biog.*, s. v., but also *Pa. Mag. Hist.*, II. 353.

A group of letters which in strictness falls outside the present subject, yet which presents much the same sort of interest, is that of the letters written by members in the next day or two after the adjournment. General Washington transmits a copy of the Constitution to Lafayette, with a brief note:

It is the result of four months' deliberation [he says]. It is now a child of fortune, to be fostered by some and buffeted by others. What will be the general opinion or the reception of it is not for me to decide, nor shall I say anything for or against it. If it be good, I suppose it will work its way; if bad, it will recoil on the framers.^a

Randolph sends a copy to Beverley Randolph, the lieutenant-governor, who had been taking his place as head of the executive of Virginia during his absence; and adds, in a sentence characteristic of his tortuous mind:

Altho' the names of Col. Mason and myself are not subscribed, it is not therefore to be concluded that we are opposed to its adoption. Our reasons for not subscribing will be better explained at large, and on a personal interview, than by letter.^b

The members from North Carolina are careful to explain promptly to their governor how completely the interests, and especially the pecuniary interests, of North Carolina have been safeguarded by the great compromises and by some of the minor provisions of the proposed Constitution.^c The series fitly ends with a letter of Madison to Edmund Pendleton, in which he sums up in a sentence the history of the Convention:

The double object of blending a proper stability and energy in the Government with the essential characters of the republican form, and of tracing a proper line of demarcation between the national and State authorities, was necessarily found to be as difficult as it was desirable, and to admit of an infinite diversity concerning the means among those who were unanimously agreed concerning the end.^d

II. LETTERS NOT HERETOFORE PRINTED.

1. *David Brearley to Jonathan Dayton (extract).*^e

PHILADELPHIA, 9th June 1787.

DEAR SIR: * * * We have been in a Committee of the Whole for some time, and have under consideration a number

^a No. 83.

^b No. 82.

^c No. 79.

^d No. 85.

^e From a copy kindly furnished by Mr. Simon Gratz, of Philadelphia, who possesses the original manuscript.

of very *important* propositions, none of which, however, have as yet been reported. My colleagues, as well as myself, are very desirous that you should join us immediately.^a The importance of the business really demands it.

2. *David Brearley to William Paterson.*^b

PHILADELPHIA 21 Aug. 1787.

DEAR SIR: I was in hopes after the Committee had reported, that we should have been able to have published [[?] finished] by the first of September, at present I have no prospect of our getting through before the latter end of that month. Every article is again argued over, with as much earnestness and obstinacy as before it was committed. We have lately made a rule to meet at ten and sit 'til four, which is punctually complied with. Cannot you come down and assist us,—we have many reasons for desiring this; our duty, in the manner we now sit, is quite too hard for three,^c but a much stronger reason is, that we actually stand in need of your abilities.

I am, most respectfully, dear sir, your obedient humble servant

DAVID BREARLEY.

3. *Extract from the Pennsylvania Journal.*^d

We are informed, that many letters have been written to the members of the federal convention from different quarters, respecting the reports idly circulating, that it is intended to establish a monarchical government, to send for the bishop of Osnaburgh, &c., &c.—to which it has been uniformly answered, tho' we cannot, affirmatively, tell you what we are doing, we can, negatively, tell you what we are not doing—we never once thought of a king.

^a Dayton took his seat June 21. Brearley, Houston, Paterson, and Livingston were already present at the time when the letter was written.

^b From a copy found among the MSS. of George Bancroft at the Lenox Library, "Paterson MSS.," p. 603. There seems to be no evidence of Paterson's presence from July 23 to the time of signing the Constitution. Documentary History, III, 405.

^c I. e., Brearley, Livingston, and Dayton. Documentary History, I, 140, 144; III, 561, 574, 596.

^d Of August 22, 1787. Mentioned in Curtis, History of the Formation of the Constitution, II, 495, and Constitutional History, I, 626. I have procured a copy of it and inserted it here mainly that it may be seen not to be an individual letter, though its phrases are taken from one written two days before by Governor Martin, letter No. 65. Upon its subject, see Humphreys to Hamilton, in the latter's works, ed. Hamilton, I, 442; Hamilton's History of the Republic, III, 331; J. C. Hamilton, Life of A. Hamilton, II, 535.

4. *Nathaniel Gorham to Caleb Strong.*^aPHILADELPHIA Aug^t 29

MY DEAR SIR I rec^d your favour from N York and was pleased to find that you had got on so well. inclosed is a Letter that came to hand for you. We have now under consideration the 18th Article which is that the United States shall guarantee, &c. &c.^b

I am in hopes we shall be done in about 20 days. There are several things referred which will take some time.

Remember me to our friend Sedgwick.

5. *Jonathan Dayton to Gen. Elias Dayton (extract).*^c

PHILADELPHIA, Sept. 9, 1787.

DEAR SIR: * * * We have happily so far finished our business, as to be employed in giving it its last polish and preparing it for the public inspection. This, I conclude, may be done in three or four days, at which time the public curiosity and our desire of returning to our respective homes, will equally be gratified.

III. LIST OF LETTERS IN PRINT.

The following is intended as a list of letters to be found in print, written by members of the Philadelphia convention during its sessions, whether the same are perceived to have any importance to history or not. Letters printed only in extract or in summary are included, and also some letters of importance written just after the adjournment. On the other hand, letters written by members before they arrived in Philadelphia, though after the opening of the convention, are not included:

1. May 15. Madison to Jefferson. Letters and other Writings, I, 328.
2. May 18. Franklin to Thomas Jordan. Works, ed. Sparks, X, 304; ed. Bigelow, IX, 386.
3. May 18. Franklin to George Whatley. Works, ed. Sparks, X, 306; ed. Bigelow, IX, 388.

^aThe original of this letter is possessed by the Historical and Natural History Society of South Natick, Mass. A copy was kindly furnished by Gustavus Smith, esq., president of the society.

^bConsideration of article 18 of the report of the committee of detail was not begun, according to the journal, until the session of August 30 was well advanced. Documentary History, I, 169.

^cFrom a copy kindly sent by Mr. Simon Gratz, owner of the original.

4. May 20. Mason to George Mason, jr. Miss Rowland's Mason, II, 100; Hart, Contemporaries, III, 203; extract in Bancroft, Constitution, II, 421.
5. May 21. Mason to Arthur Lee. Lee's Arthur Lee, II, 319; Rowland, II, 102.
6. May 21. Read to John Dickinson. Read's George Read, p. 443.
7. May 24. Randolph to Beverley Randolph. Calendar of Virginia State Papers, IV, 289.
8. May 25. Read to John Dickinson. Brotherhead, Book of the Signers, 1861, p. 63.
9. May 27. Madison to Edmund Pendleton. Letters, I, 328.
10. May 27. Madison to James Madison, sr. Letters, I, 329.
11. May 27. Mason to George Mason, jr. Rowland, II, 103.
12. May 27. Randolph to Beverley Randolph. Calendar of Virginia State Papers, IV, 290.
13. May 30. Davie to James Iredell. McRee, Life of Iredell, II, 161.
14. May 30. Franklin to Mrs. Jane Mecom. Works, ed. Bigelow, IX, 392.
15. May 30. Washington to Jefferson. Sparks, IX, 254; Ford, XI, 156.
16. June 1. Mason to George Mason, jr. Rowland, II, 128; extract in Bancroft, II, 424.
17. June 6. Madison to Jefferson. Letters, I, 330.
18. June 6. Randolph to Beverley Randolph. Calendar of Virginia State Papers, IV, 293.
19. June 9. Brearley to Jonathan Dayton. See p. 98, supra.
20. June 10. Madison to Monroe. Extract in "Washington-Madison Papers" (McGuire sale catalogue), p. 129.
21. June 11. Gerry to Monroe. Extract in Bancroft, II, 428.
22. June 12. Spaight to Governor Caswell. N. C. Records, XX, 723.
23. June 14. Four N. C. delegates to Caswell. N. C. Records, XX, 723.
24. June 16. Wythe to Edmund Randolph. From Williamsburg. Summarized in the Calendar of the Emmet Collection, No. 9542.
25. June 19. Davie to Caswell. N. C. Records, XX, 725.
26. June 19. Davie to James Iredell. McRee's Iredell, II, 161.
27. June 21. Randolph to Beverley Randolph. Calendar of Virginia State Papers, IV, 298.
28. June 25. Robert Morris to his sons. Extract in Pennsylvania Magazine of History, II, 170.
29. June 27. Johnson to his son. Extract in Bancroft, II, 430.
30. June 30. Mason to Beverley Randolph. Rowland, II, 131; Calendar of Virginia State Papers, IV, 310.
31. July 1. Washington to David Stuart. Sparks, IX, 257; Ford, XI, 159.
32. July 3. Hamilton to Washington. From New York. J. C. Hamilton, Life of A. Hamilton, II, 522; Works, ed. Hamilton, I, 435; ed. Lodge, VIII, 175; Hamilton's Republic, III, 317; Sparks, Letters to Washington, IV, 172; Hunt, Madison, III, 351.

before the Convention on May 29, 1787. As doubts, to say the least, attend also the text of the other plans presented, it may be well before proceeding to attempt a demonstration of this thesis to explain why it is not inconceivable that, important as these documents were, their exact text may be uncertain.

Luther Martin in one of the opening passages of his *Genuine Information*, says of the Convention:^a

So extremely solicitous were they that their proceedings should not transpire, that the members were prohibited even from taking copies of resolutions on which the Convention were deliberating, or extracts of any kind from the journals, without formally moving for and obtaining permission by a vote of the Convention for that purpose.

The rules of the Convention now in print,^b bear him out so far as the journals are concerned, but not as to resolutions, which like the various "plans," were not regarded as parts of the journal. Yet the injunction "that nothing spoken in the House be printed, or otherwise published, or communicated without leave," doubtless required secrecy as to the plans. Pierce says,^c speaking apparently of the Virginia plan:

A copy of these propositions was given to each member with an injunction to keep everything a profound secret. One morning, by accident, one of the members dropped his copy of the propositions, which, being luckily picked up by General Mifflin, was presented to General Washington, our President, who put it in his pocket.

He goes on to relate how the General, the next day, just before adjournment, forcibly reproved such carelessness, threw the paper on the table—

and quitted the room with a dignity so severe that every person seemed alarmed; for my part I was extremely so, for putting my hand in my pocket I missed my copy of the same paper; but advancing up to the table my fears soon dissipated; I found it to be the handwriting of another person.

In other words, the copy which each member had of the propositions was, in the ordinary case, a copy made by his own hand. Those who know how few persons can copy

^a Yates, ed. 1821, p. 12; Elliot, I, 345. I quote Elliot, unless the contrary is stated, from that edition of 1836 and subsequent years which is designated on its title-page as the second, but is the third—the edition commonly used. See also what Martin says, *ibid.*, 358, of the refusal of the Convention to permit its members at the time of the adjournment of July 26, "to take correct copies of the propositions to which the Convention had then agreed."

^b *Documentary History of the Constitution*, I, 54.

^c *American Historical Review*, III, 324.

anything accurately will see here a natural source of variations, even in that more formal and deliberate age. Moreover, there would always be much chance that a member, following the progress of debate and conclusion with his paper before him, should interline it with some of the additions or amendments which were successively resolved upon, and that these should creep undistinguished into some fair copy which he might subsequently make.

Whatever be the causes, the variations certainly exist. Of the Virginia resolutions there are, as we have said, four texts. As the original text in Randolph's handwriting, if such there were, is nowhere said now to exist, it is natural to take up first that which Madison gives.^a It is printed in the Documentary History of the Constitution^b and in Hunt's Writings of James Madison.^c Gilpin printed it, with a small but important variation, in The Madison Papers,^d and it may also be found in the volume strangely called "Journal [meaning Debates] of the Federal Convention, kept by James Madison * * * edited by E. H. Scott,"^e and in the fifth volume of Elliot.^f This text, which we may call A, is sufficiently described by saying that the ninth resolution in its series begins with the words:

Resolved, That a national judiciary be established, to consist of one or more supreme tribunals and of inferior tribunals to be chosen by the National Legislature, to hold their offices during good behavior, and to receive, etc.

Texts of this type can not in this section exactly represent the original resolutions. This may be seen by an examination of the journal of the Committee of the Whole for June 4 and June 5.^g It there appears, by explicit quotation, that the ninth resolution undoubtedly contained originally the words:

Resolved, That a national judiciary be established, to be appointed by the National Legislature, to hold their offices during good behavior, and to receive, etc.

^a Though the speech with which Randolph accompanied the introduction of his resolutions appears in Madison's notes in Randolph's handwriting, the text of the resolutions there given is in Madison's hand. Hunt, Writings of James Madison, III, 21 n.

^b III, 17-20.

^c III, 17-21.

^d II, 731-735.

^e Pp. 61-64. Mr. Hunt gives to Madison's notes the same inappropriate and misleading name.

^f Pp. 128-130. There are differences of punctuation; but they are hardly significant.

^g Documentary History, I, 210; Elliot, I, 160, 161.

Of the insertion of the other words quoted above in this clause, or, rather, of the insertion of words closely resembling them, there is definite record in the form of a vote of the Committee of the Whole, June 4, "to add these words to the first clause of the ninth resolution, namely: 'To consist of one supreme tribunal, and of one or more inferior tribunals.'" ^a Plainly these words can not have been in the original plan. Furthermore, on June 12—

it was moved and seconded to alter the resolution submitted by Mr. Randolph, so as to read as follows, namely: "That the jurisdiction of the supreme tribunal shall be to hear and determine in the dernier resort all piracies, felonies, etc." ^b

In other words, now that a provision for both supreme and inferior tribunals—a provision not included in the original document—had been inserted by the committee, it seemed necessary also to modify the clause relating to jurisdiction by giving to the supreme tribunal the position of an appellate court. Now, text A in this clause gives the reading—

That the jurisdiction of the inferior tribunals shall be to hear and determine in the first instance, and of the supreme tribunal to hear and determine in the dernier resort, all piracies, etc.

As before, the proposal recorded in Committee of the Whole shows that these words were not in the original resolutions. It will be noticed that here one supreme court is spoken of, whereas in the earlier clause the reading of A is "one or more supreme tribunals," in itself an improbable reading.

Probably Article 9 of the Virginia plan originally read:

Resolved, That a national judiciary be established, to be appointed by the National Legislature, to hold their offices during good behavior; and to receive punctually, at stated times, a fixed compensation for their services, in which no increase or diminution shall be made so as to affect the persons actually in office at the time of such increase or diminution; that its jurisdiction shall be to hear and determine all piracies and felonies on the high seas, all captures from an enemy, and cases in which foreigners or citizens of other States applying to such jurisdiction may be interested; [perhaps, also,] or which respect the collection of the national revenue, impeachment of any national officers, and questions which may involve the national peace and harmony.

^a Documentary History, I, 210; Elliot, I, 160, 161, and Madison's notes in Documentary History, III, 62.

^b Documentary History, I, 222.

The votes in the Committee of the Whole" do not enable one to be sure whether these last lines were or were not in the original draft.

It was intimated above that Gilpin's text shows a peculiarity not found in the books first mentioned. In view of the pains taken with the text of the Documentary History and by Mr. Hunt, it is to be supposed that a phrase which is not in their versions has no place in the manuscript which they and Gilpin alike follow. However, as the insertion is one which plays a part in other texts than A, it may be as well to consider it at this point. It occurs in the text of the sixth of the Virginia resolutions, toward the end of that article. This concluding portion, in Gilpin, declares that the National Legislature ought to be empowered—

to negative all laws passed by the several States, contravening in the opinion of the National Legislature the articles of Union, *or any treaty subsisting under the authority of the Union*; and to call forth the force of the Union against any member of the Union failing to fulfill its duty under the articles thereof.

The words italicized above are those not found in the Documentary History or in Hunt's Writings of James Madison. That they formed no part of the original document may be seen by inspecting the journal of the Committee of the Whole for May 31, where we read:^b "The following words were added to this clause on motion of Mr. Franklin, 'or any treaties subsisting under the authority of the Union.'" Yet Rives^c in his summary of the plan adds the words "and treaties" at this point, and so does Madison himself in a letter to John Tyler, written about 1833.^d It may be added that Madison, in his summary of the resolutions, given in this same letter, inserts the provision for supreme and inferior tribunals, discussed above;^e and so does Bancroft, in a summary which he places in quotation marks.^f

Text B of the Virginia plan is to be found in the official Journal of the Convention, published in 1819 under the author-

^a Documentary History, I, 223; III, 117.

^b Documentary History, I, 203; Elliot, I, 153.

^c Life of James Madison, II, 314.

^d McGuire, Selections from the Correspondence of James Madison, p. 312; Letters of Madison, IV, 283.

^e Ibid., 310; *ibid.*, 282.

^f History of the Formation of the Constitution, II, 12.

ity of the Secretary of State;^a in Yates's Secret Proceedings and Debates,^b and in the second edition and the third or usual edition of Elliot's Debates.^c Yates says: "I have taken a copy of these resolutions, which are hereunto annexed." But Lansing, who transcribed Yates's notes, says, in a passage not copied into Elliot,^d that the several papers referred to did not accompany them, and we are compelled to infer that the single source of all these versions is the Journal of 1819. The peculiarities of this text are the following: In the sixth resolution it contains the words "or any treaty subsisting under the authority of the Union." The ninth begins with the words "*Resolved*, That a national judiciary be established to hold their offices during good behavior, and to receive punctually," etc. Yet though in this first clause there is no mention of the distinction between higher and lower Federal courts, the clause relating to jurisdiction, in the same resolution, begins with the words "That the jurisdiction of the inferior tribunals shall be to hear and determine in the first instance, and of the supreme tribunal to hear and determine in the dernier ressort," etc. Finally, there is, in Elliot's third edition,^e an additional resolution, with the number 16, reading: "That the House will to-morrow resolve itself into a Committee of the Whole House, to consider of the state of the American Union." It is obvious that this last is obtained by "running in" with the resolutions a portion of the journal of the Convention's proceedings of May 29.^f That the provision respecting treaties, in Article 6, has no place in the document, has already been shown in the case of Gilpin. As to Article 9, the journal of the Committee of the Whole, June 5, when this article was receiving its first consideration, reads:^g "It was then moved and seconded to strike out the words 'the national legislature,' so as to read 'to be appointed by.'" Accordingly the first clause of the article must have originally contained the words "to be appointed by the national legislature," and any text which does not contain them can make no claim to be the true original. To the phrases about the jurisdiction of su-

^a Pp. 67-70.

^b Pp. 209-212 of the edition of 1821; pp. 226-229 of that of 1839.

^c Second edition, I, 180-182, "second" (third) edition, I, 143-145.

^d Yates, ed. 1821, p. 207.

^e But not in the first, nor in Yates, nor in the Journal of 1819.

^f Documentary History, I, 55.

^g Ibid., I, 211.

preme and inferior tribunals the same arguments apply as have been adduced above in the criticism of text A, but with additional force from the fact that if the distinction had not been made in the first clause of the article it is unlikely that we should find it appearing in the last.

Text C is printed only in the Documentary History.^a It is derived from a manuscript which came to the Department of State from Gen. Joseph Bloomfield, executor of David Brearley, member of the Convention from New Jersey.^b It can not correctly represent the original for the following reasons: In Article 4 it provides that the term of the members of the first branch of the national legislature shall be three years, yet the journal of the Committee of the Whole for June 12 shows the committee on that day for the first time inserting the words "three years" into a blank previously existing at this point.^c Article 5 provides that the members of the second branch shall be "elected by the individual legislatures," which was not agreed to (as a substitute for election by the first branch) until June 7.^d Thirdly, in Article 6 the provision respecting treaties, already commented upon, is included. Fourthly, the beginning of Article 7 reads:

Resolved, That a national executive be instituted, to consist of a single person, with powers to carry into execution the national laws, and to appoint to offices in cases not otherwise provided for, to be chosen by the national legislature for the term of seven years, to receive punctually, etc.

But the journal of the Committee of the Whole, June 1,^e shows exactly what must have been the reading of the original at this point, namely: "*Resolved*, That a national executive be instituted, to be chosen by the national legislature for the term of — years, to receive punctually," etc.; and it shows the stages by which this became modified into the form presented by text C. Fifthly, Article 9 of the latter begins: "*Resolved*, That a national judiciary be established, to consist of one supreme tribunal, to hold their offices during," etc.; yet recognizes in its clause respecting jurisdiction the same distinction of supreme and inferior which is made in text B, and in the same words. Finally, Article 13 declares that the assent of the national legislature "ought to be required" to proposed amendments to the articles of union, whereas the

^a Documentary History, I, 329-332.

^b Journal (of 1819), pp. 10, 11.

^c Documentary History, I, 220.

^d Ibid., I, 202, 215.

^e Ibid., I, 203.

quotation of this resolution in the journal of the Committee of the Whole " supports the reading " ought *not* to be required," which is given in the other texts, and must obviously be correct in any case.

The fact apparently is that text C represents the original, plus most of the modifications made up to about June 11 or 12. Incorrect as it is, it may not improbably be the source from which Secretary Adams derived the more correct text (B) which he printed in the official journal in 1819; for, the manuscript journal not containing these resolutions, it is difficult to see what other text than Brearley's could have been accessible to him.

Text D is not in print, but is found among the manuscripts of William Paterson, member of the Convention from New Jersey.^b In the form in which it now exists, it is not a first rough copy on separate sheets (the form in which we may assume that the members' copies of the Virginia resolutions were first taken), but is copied neatly into a little book, which also contains Judge Paterson's copies of several other fundamental documents of the Convention.^c This text omits from the fourth resolution the words, "to be incapable of reelection for the space of ——— after the expiration of their term of service;" but this may be a mere slip, due to the verbal similarity of this phrase to that which in the other texts precedes it. Like B and C and Gilpin's version of A, it inserts in the sixth resolution the provision respecting treaties. It fills the blank in the number of years of the Executive's term of office (seventh resolution) with the word "seven," which the Committee of the Whole did not do till June 1.^d In the ninth resolution, while the reading is otherwise like that of text A, there is a blank before the word "inferior," so that the phrase reads: "Of one or more supreme tribunals, and of ——— inferior tribunals." Although, for reasons already given, these words can not be considered to have been a part of the original document, it may be that the form in which they here appear represents, more correctly than that presented by Madison, the intentions of the Committee of the Whole on June

^a Documentary History, I, 219.

^b Lent to the writer by the kindness of Miss Emily K. Paterson, of Perth Amboy. There is a copy among the Bancroft MSS. at the Lenox Library.

^c The report of the Committee of the Whole House, Judge Paterson's own resolves, and Colonel Hamilton's plan.

^d Documentary History, I, 205.

4 and June 5. The committee then voted, first, to add the words "to consist of one supreme tribunal and of one or more inferior tribunals," and then to strike out the words "one or more."^a It may have been intended to leave a blank in the place of the latter. However this may be, arguments already stated suffice to show that text D has no more claim than the others to represent the exact form of the Virginia resolutions, laid before the Convention on May 29 by Edmund Randolph. The exact form of those resolutions can be recovered only by inference, and in one or two particulars remains uncertain.

V. THE TEXT OF THE PINCKNEY PLAN.

On May 29, immediately after the Virginia resolutions had been referred to a Committee of the Whole House, "Mr. Charles Pinckney, one of the deputies of South Carolina, laid before the House for their consideration the draft of a Federal Government" which he had prepared, and it also was referred to that committee.^b There is no evidence of any debate upon it beyond the author's remark, that he "confessed that it was grounded on the same principle as of the above resolutions,"^c meaning those offered by Governor Randolph. Nor does it appear to have been separately considered at any subsequent time. On July 24 the Committee of the Whole was discharged from further consideration of it, and it was referred to the Committee of Detail, along with the resolutions reported from the Committee of the Whole and those offered by Paterson, of New Jersey.^d No mention of it in the Convention by anyone but its author seems to have come down to us. There is something noteworthy in this silence. It is not impossible that the other members thought their youngest colleague somewhat presumptuous in offering his lucubration at the very outset and laying it complacently alongside the mature conclusions of the grave and experienced Virginia Delegates.^e

^a Documentary History, I, 210, 211.

^b Ibid., I, 55.

^c Yates, ed. 1821, p. 97; Elliot, I, 391; Documentary History, III, 14, 34.

^d Documentary History, I, 109; III, 423, 443.

^e O'Neill, Bench and Bar of South Carolina, II, 140, tells us that Pinckney always said in after life that he had never risen to address the Convention without feelings of deep diffidence and solemnity; so, also, "W. S. E." in De Bow's Review, XXXIV, 64. But the letters printed by the present writer in the American Historical Review, IV, 113-129, reveal a character marked by much vanity and self-assertion. See, also, Jefferson's Writings, ed. Ford, VIII, 289.

Moreover, in 1818, when the Secretary of State, John Quincy Adams, was preparing the journal of the Convention for publication, no copy of the Pinckney draft was found either among its original papers or among those which had been added by General Bloomfield. In the hope of repairing the omission, Adams, after applying in vain to Madison, who had no copy,^a wrote to Pinckney, then still living in South Carolina, and asked him for a copy of his proposals.^b Pinckney replied, in a letter which has been printed,^c saying that he had among his papers four or five rough drafts of his plan, and could not be absolutely sure which was the one actually presented; but that they differed in no essentials, only in some words and the arrangement of the articles, and that he sent the one which he believed to be the proper document. Adams printed the document in the *Journal*,^d with a footnote saying that the paper had been furnished by Pinckney. From that day (1819) to this it has figured in many books as the "Pinckney plan." It is printed, in identical text, in Yates,^e in Elliot,^f in Gilpin,^g in the *Documentary History*,^h and even in Justice Miller's *Lectures on the Constitution*ⁱ and Hunt's *Writings of James Madison*.^j The paper which Pinckney sent to Adams is still in the custody of the Department of State. Mr. Hunt, who gives a facsimile of a portion of it and of a part of the letter in which it was inclosed, declares that the plan is written upon paper of the same size as the letter, and with the same ink; that it is undoubtedly contemporaneous with the letter, and that both are written on paper bearing the water-mark of the year 1797.^k

That the so-called "Pinckney plan" is not authentic has

^a See his letter in the appendix to J. C. Hamilton's *History of the Republic*, third edition, III, iii.

^b See *Memoirs of John Quincy Adams*, IV, 365.

^c Letter of December 30, 1818, printed by Mr. Worthington C. Ford in the *Nation* of May 23, 1895, LX, 397, 398; and by Mr. Gaillard Hunt in his *Writings of James Madison*, III, 22-24. An extract was printed in 1870 by Rives, in his *Life and Times of James Madison*, II, 354. Mr. Hunt is in error in saying, III, 25 n., that the letter is printed in the *Documentary History*.

^d Pp. 71-81.

^e Ed. 1821, pp. 212-221. The source is the *Journal* printed two years before; see the note to p. 207.

^f I, 145-149.

^g Pp. 735-746.

^h I, 309-318.

ⁱ Pp. 732 ss.

^j III, 23-36.

^k *Writings of James Madison*, III, xvii and 24.

been so publicly and so successfully demonstrated that a writer who does not like to spend his time in slaying the slain might be excused if he took this for granted and passed on to cast what new light he could upon the problem of the real Pinckney plan. But in reality the two inquiries are closely connected; and, moreover, the legendary version has such vitality that it is no harm to cast one more stone upon its funeral cairn as one passes by. In 1859 a South Carolina writer assures us that, in view of the remarkably close agreement between Pinckney's proposals and the finished Constitution, "he has always been considered as entitled to the high and honorable designation of the Father of the Constitution."^a This was before much of the pertinent evidence to the contrary had been made public. But such was not the case when, in 1894, in the income-tax decision, the Chief Justice of the Supreme Court of the United States quoted the "Pinckney plan" as if it had authority.^b It may be that—

"Error, wounded, writhes in pain,
And dies among his worshippers;"

but, if we are speaking of historical error, he manifestly takes his time about it.

The supposed plan might instantly be put out of court on the ground that it is "too good to be true." A novice in historical criticism, provided he had read the story of the long and shifting and sometimes bitter disputes by which the Convention had hammered into shape a Constitution for the United States, would say at once that it was glaringly improbable—in fact, impossible—that as the result of this process they should come around to the acceptance, to the extent of five-sixths, of a document offered to them at the outset in full detail; or, to put it in another way, that their youngest member should succeed beforehand in framing a constitution so good that they could hardly improve it, yet that "the wisest council in the world" should not be able to perceive this fact till they had wrangled over the document (without expressly mentioning it) for more than three months.

^a J. B. O'Neill, *Bench and Bar of South Carolina*, II, 139. So, also, "W. S. E. of S. C.," in his sketch of Pinckney in *De Bow's Review*, XXXIV, 63. "W. S. E." was William Sinker Elliott, grandson of Pinckney.

^b *Pollock v. Farmers' Loan and Trust Co.*, 157 U. S. Reports, 582.

It now appears that the document had not been long published before its authenticity was privately disputed. John Taylor, of Caroline, to be sure, who in his *New Views of the Constitution* (1823) might be supposed to have exhausted suspicion concerning the integrity of the Journal, seems to accept the "Pinckney plan" without a murmur.^a But Rufus King, who died in 1827, told John Quincy Adams that it was not genuine, and Madison said the same to Jared Sparks when Sparks visited him at Montpelier in April, 1830. As the passage of Adams's diary in which these questionings are brought out has apparently not before been used in this connection, and as they seem to be the earliest recorded, it may be worth while to quote at length from that "copious storehouse of damnations."^b

Sparks said he had been spending a week at Mr. Madison's, who spoke to him much of the proceedings and published Journal of the Convention of 1787. He said he knew not what to make of the plan of Constitution in that volume purporting to have been presented by Charles Pinckney, of South Carolina. He said there was a paper presented by that person to the Convention, but it was nothing like the paper now in the book. It was referred to the committee who drafted the plan of the Constitution, and was never afterwards in any manner referred to or noticed. In the book it has the appearance as if it was the original draft of the Constitution itself, and as if that which was finally adopted was Pinckney's plan, with a very few slight alterations. I told Mr. Sparks that Rufus King had spoken to me of C. Pinckney's paper precisely in the same manner as he says Mr. Madison now does; that it was a paper to which no sort of attention was paid by the Convention, except that of referring it to the committee, but when I compiled the Journal of the Convention, Charles Pinckney himself sent me the plan now in the book as the paper which he had presented to the Convention, and with it he wrote me a letter which obviously held the pretension that the whole plan of Constitution was his and that the Convention had done nothing more than to deteriorate his work by altering some of his favorite provisions. Sparks said Mr. Madison added that this plan now in the book contained several things which could not possibly have been in Pinckney's paper, but which rose out of the debates upon the plan of Constitution reported by the committee. He conjectured that Mr. Pinckney's memory had failed him, and that, instead of a copy of the paper which he did present, he had found a copy of the plan reported by the committee with interlined amendments, perhaps proposed by him, and, at a distance of more than thirty years, had imagined it was his own plan.

^a P. 19.

^b May 4, 1830. *Memoirs*, VIII, 224, 225. See also Sparks's record of his conversation with Madison in H. B. Adams's *Jared Sparks*, I, 463, and his correspondence with Madison, *ibid.*, II, 225-231.

In several letters written during the next few years, but not published till 1867, Madison went into the question more explicitly. Writing to Sparks in 1831, he declared the evidence against the draft irresistible.^a For instance, he pointed out that, whereas in that document the House of Representatives is made the choice of the people, it was the known opinion of Pinckney, who lodged in the same house with him at Philadelphia, that they should be chosen by the State legislatures; that on June 6 Pinckney, agreeably to previous notice, moved an amendment in that sense; and that in a letter to him, dated March 28, 1789, Pinckney had asked him if he was not "abundantly convinced that the theoretic nonsense of an election of the members of Congress by the people, in the first instance, is clearly and practically wrong."^b In two subsequent letters—one written in 1834 to T. S. Grimké, the other in 1835 to W. A. Duer—he dwelt upon the same discrepancies, using the Journal rather than his own notes as the touchstone, and requesting the letters to be regarded as confidential.^c It is not necessary to detail all the comparisons made. Substantially the same were published in 1840 in an appendix to Madison's notes of the debates, edited by Gilpin.^d

In this memorandum, moreover, and in two of the letters mentioned above, Madison adduces evidence from another quarter in support of his contention that the draft could not be what it purported to be. This is from a pamphlet entitled "Observations on the Plan of Government, submitted to the Federal Convention in Philadelphia on the 28th [*sic*] of May, 1787, by the Hon. Charles Pinckney, esq., LL. D., Delegate from the State of South Carolina, delivered at different times in the course of their discussions."^e It was "privately printed" in New York within a month of the rising of the Convention. Madison, on October 14, sends a copy of it to Washington.^f

^a Letters of Madison, IV, 201-203; Adams's Sparks, II, 227.

^b In January of the same year Pinckney had written to the same effect to Rufus King: "You know I always preferred the election of representatives by the legislature to that of the people, and I will now venture to pronounce that the mode which you and Madison and some others so thoroughly contended for and ultimately carried is the greatest blot in the Constitution." (Life and Correspondence of Rufus King, I, 359.)

^c Letters of Madison, IV, 337, 378. See also pp. 172, 181, 183.

^d Gilpin, III, app. v-vii; Elliot, V, 578, 579.

^e No. 143 in Ford's Bibliography of the Constitution.

^f Letters of Madison, I, 342; Sparks, Letters to Washington, IV, 182. Washington's copy of the pamphlet is still in existence. Catalogue of the Washington Collection in the Boston Athenæum, p. 535.

They exchange sentiments upon it, in their grave manner. Washington writes: "Mr. C. Pinckney is unwilling, I perceive by the inclosures contained in your favor of the 13th [14th], to lose any fame that can be acquired by the publication of his sentiments."^a To which Madison replies: "Mr. Charles Pinckney's character is, as you observe, well marked by the publications which I inclosed."^b It is not generally known that Pinckney immediately reprinted his "Observations" in a South Carolina newspaper.^c In 1857 they were reprinted by Frank Moore in Volume I of his *American Eloquence*.^d The original is very rare.^e Madison, in 1831, having but a mutilated copy, took pains to borrow one from New York, and by its means had no difficulty in casting still further discredit on the draft contributed by Pinckney to the *Journal*.^f The pamphlet did not, indeed, give the text of the project to which its title referred. But many references were made to it in the course of the "Observations," which, in fact, had the form of a series of arguments based on its provisions, which were taken up in order, and in some cases cited by number. It was plain that they differed widely from those of the printed draft.

In 1840 and in 1859 John C. Hamilton exposed fully the untrustworthy character of the latter.^g In 1870 Rives did the same.^h When Bancroft in 1882 published his *Formation of the Constitution* he contented himself with saying only of the draft submitted to the Convention by Pinckney that "no part of it was used and no copy of it has been preserved."ⁱ In 1894, in a review article in the *Nation*, the worthlessness of the accepted text was again insisted on. This led to the publication of Pinckney's original letter by Mr. Worthington

^a October 22, 1787. Ford, XI, 175; Sparks, IX, 274. Sparks characteristically has "Mr. C. P.——."

^b October 28. Gilpin, II, 653; Elliot, V, 568; Sparks, *Letters to Washington*, IV, 186.

^c A copy of the *State Gazette of South Carolina* for November 1, 1787, in the library of the American Antiquarian Society, contains an installment (evidently the second) of the pamphlet, and others follow in the two succeeding numbers (November 5, 8), which are all the society possesses for that month. No doubt the print began October 29 and ran till November 29.

^d Pp. 362-370.

^e Mr. Ford notes copies at the Astor Library and in the libraries of the Boston Athenæum and the Massachusetts and New York Historical Societies.

^f *Letters*, IV, 182. See his comparisons which accompany the letter to Duer, *id.*, IV, 379.

^g *Life of Hamilton*, II, 469; *History of the Republic*, III, 258-260.

^h *Life and Times of Madison*, II, 353-357.

ⁱ II, 14.

Ford, as already mentioned,^a and to an article by Mr. Paul L. Ford, in which he used the pamphlet "Observations" as the basis for an attempt to reconstruct the actual Pinckney plan.^b Just how far this method is valid will be considered later. For the present it is sufficient to have narrated how, by a series of criticisms extending from Rufus King's time to ours, the so-called draft has been so utterly discredited that no instructed person will use it as it stands as a basis for constitutional or historical reasoning. What relation it bears to the actual plan is a matter for separate investigation. We have seen what Madison's kindly explanation was, as given in conversation with Sparks. In another form, with a difference to which we shall advert later, he also gives his view of the matter in a note printed by Gilpin, namely, that at some time, having lost the original, Pinckney had resorted for a copy—to the rough draught, in which erasures and interlineations, following what passed in the Convention, might be confounded, in part at least, with the original text, and after a lapse of more than thirty years confounded also in the memory of the author.^c

But is it possible to recover the provisions of the actual Pinckney plan? There is one, and so far as now appears only one, secure method of recovering a part of them.^d We may be fairly certain that any provisions which Pinckney is found advocating, against the general opinion or against the clauses of the plan which the Committee of the Whole had adopted as the main basis of its discussions, are portions of his own plan, provided we find him advocating them during the next two weeks after its presentation. At later stages his moving an amendment or speaking in its favor is no clear evidence of this, for it is then possible that the process of debate may have suggested to his mind a new device or convinced him of the merit of one suggested by another. Now it so happens that in his suggesting of provisions, as revealed by the recorded debates, there are two well-defined periods.

^a Nation, LX, 398, May 23, 1896.

^b Ibid., LX, 458, June 13, 1896.

^c Gilpin, III, app. vi.

^d A footnote in Hunt's Madison, III, 25, says that "correspondence with Pinckney's descendants reveals the fact that some of the notes to which he alludes in his letters are extant;" but Mr. Hunt tells me that this is a misprint—"some" for "none." See his preface, p. xiv. See also note ^a on p. 131. The statement in the text now requires modification, in view of my discovery of large parts of Pinckney's original text. See p. 128, *infra*.

The one extends to June 13, the main period of consideration in Committee of the Whole. Then comes, save for one occasion, a long hiatus, extending to July 5, during which he shows no advocacy of definite provisions. On June 25, to be sure, he makes a long and elaborate speech, a "great effort," of which he was evidently proud, for he gave Madison a copy of it,^a and used it later in the South Carolina convention;^b but it is not a thing from which definite details of his preferences can be derived. These emerge again after July 5, and from time to time till the end of the Convention; but now the discussions stood on an altered basis in so many respects that, as intimated above, we can not relate his remarks to his plan with the same sense of security.

Throughout the first of these two periods, the fortnight immediately following the announcement of his plan, all Pinckney's motions and remarks go to show that it, "grounded," as he himself declared, "on the same principle as" the Virginia plan,^c provided for a national government with a bicameral legislature, an executive, and a judiciary. He planned for a single executive^d to be elected by the national legislature^e for the term of seven years,^f and for a judiciary to be elected by the same body.^g His national legislature was to have a general power to negative State laws.^h The members of its first or more numerous branch were to be elected by the legislatures of the States.ⁱ In this branch each State was to be represented by a number of members proportioned to the

^a Documentary History, III, 199-207; Gilpin, II, 945-954; Elliot, V, 233-238; Hunt, III, 267-277. Another version, containing the same matter differently arranged, is in Documentary History, III, 789-795. Yates, pp. 161-163; Elliot, I, 443-444.

^b It is printed in the State Gazette, of South Carolina, for May, 1788. Mr. A. S. Salley, of Charleston, and Miss Mary Robinson, of Worcester, have kindly searched that paper for me. It is also printed in Carey's American Museum, IV, 256-263, and in Elliot, IV, 318-323.

^c Yates, p. 97; not "principles," as in Elliot, I, 391. The context shows that Yates meant the principle of consolidation.

^d June 1, 2. Documentary History, III, 35, 51; Hunt, III, 57, 77; Yates, p. 101; Elliot, I, 394.

^e Pierce, in American Historical Review, III, 321. See also Documentary History, III, 355; Hunt, III, 451, 452 (July 17).

^f June 1. Documentary History, III, 39; Hunt, III, 63.

^g June 5, 13. Documentary History, III, 64, 117; Hunt, III, 92, 157; Yates, p. 120; Elliot, I, 409.

^h June 8. Documentary History, III, 88; Hunt, III, 121; Yates, p. 108; Elliot, I, 400; King, I, 597, 598.

ⁱ June 6, 7. Documentary History, III, 69; Hunt, III, 99; Yates, p. 105; Elliot, I, 397; King, I, 593. See also the letters of January and March, 1789, to King and Madison, already mentioned.

number of its free inhabitants plus three-fifths of the slaves.^a Its members were to be reeligible, and not subject to recall by the legislatures of their States.^b The members of the second branch were to be elected either by the State legislatures or by the first branch, it is not certain which.^c Each State was to have from one to three members in this branch, according to its population.^d The States were also to be grouped into four great geographical districts for senatorial elections, seemingly with the object of securing a four-years' rotation.^e Apparently Pinckney had provided for a council of revision, consisting of the executive magistrate and the heads of the principal departments;^f and apparently he had arranged that if unanimity could not be secured nine States should be authorized to unite under the new form of government.^g

Here was a very respectable scheme, which might well have received much attention if the Virginia plan, which in general it so much resembled, had not had the right of way. It seems to have escaped notice that this true plan of Pinckney's is partially described, though without mention of his name, in a contemporary letter long in print.^h Writing to Dickinson and urging his attendance, George Read, of Delaware, under date of May 21, says:

I am in possession of a copied draft of a federal system intended to be proposed, if something nearly similar shall not precede it. Some of its principal features are taken from the New York system of government.

^a June 11. Documentary History, III, 106, 107; Hunt, III, 148. According to Pierce *ubi sup.*, 324, he had on June 6 declared for a representation proportioned to pecuniary contributions. Later, July 6, 12 (Doc. Hist., III, 283, 324; Hunt, III, 368, 415), he declared his personal preference for counting the whole population, free and slave.

^b June 12. Documentary History, III, 114; Hunt, III, 152.

^c May 31, June 7, 8. Documentary History, III, 31, 86, 94; I, 216; Hunt, III, 52, 119; cf. Read's letter, described *infra*.

^d June 7, 8. Documentary History, III, 69, 84; Hunt, III, 119, 127. To the same effect in Documentary History, III, 263, 264; Hunt, III, 343, 344; Yates, p. 201; Elliot, I, 474. This is later, July 2, but Pinckney is expressly referring to his own plan, as he did also on June 25, reading from it at the end of his long speech, as appears from the conclusion, summarized by Yates, p. 163 (Elliot, I, 414), but not given by Madison.

^e May 31. Pierce, in *American Historical Review*, III, 319. In later remarks, July 14, Pinckney suggests for each State its number of senators, varying from 1 to 4; probably his four districts, the senators from one of which would have retired each year, would have been (1) New England, (2) New York, New Jersey, and Pennsylvania, (3) Delaware, Maryland, and Virginia, (4) the Carolinas and Georgia. Documentary History, III, 335; Hunt, III, 428.

^f June 6. Documentary History, III, 78; Hunt, III, 110.

^g June 5. Documentary History, III, 67; Hunt, III, 96.

^h W. T. Read's *Life and Correspondence of George Read*, p. 443. I am informed by Mr. John W. Jordan, secretary of the Historical Society of Pennsylvania, that while the letter is among the George Read papers possessed by the society, the copied draft is not.

A house of delegates and senate for a general legislature, as to the great business of the Union. The first of them to be chosen by the legislature of each State, in proportion to its number of white inhabitants, and three-fifths of all others, fixing a number for sending each representative. The second, to wit, the senate, to be elected by the delegates so returned, either from themselves or the people at large, in four great districts, into which the United States are to be divided for the purpose of forming this senate from,^a which, when so formed, is to be divided into four classes for the purpose of an annual rotation of a fourth of the members. A president having only executive powers for seven years.

The resemblance between these details and those which we have discovered admits of but one explanation. Plainly this is the Pinckney plan, completed before May 21, while the delegates were still assembling;^b and the description adds some useful items to our search.

Perhaps others can be gleaned from some motions made by Pinckney late in July, from his opposition to impeachment of the President and his desire for property qualifications for Federal officials;^c but here we are treading on less secure ground, and certainly some of his motions of this period are contrary to his proposals of the first weeks.^d Least of all can such a course of inference be pursued with regard to the numerous proposals which Pinckney made in the last month of the Convention.^e

But what of the pamphlet "Observations?" It has been effectively used as a means of reconstructing Pinckney's original draft,^f and probably most of the results thus obtained are substantial. Yet considerable skepticism is justified. In the first place, if one asks what evidence there is that the

^a This device would have seemed much like that which then prevailed in the election of senators for the New York legislature.

^b "W. S. E. of S. C.," in De Bow, XXXIV, 63, says: "This draft was made in Charleston before the writer thereof had any opportunity of conference with his co-workers, and carried with him to the Convention."

^c July 20, 26. Documentary History, III, 383, 386, 435, 437.

^d Viz., the proposal of July 21, that the judges should be chosen by the second branch, and that of July 25, that the executive should be reeligible only six years in every twelve. Documentary History, III, 400, 427.

^e August 18, 20, September 14, 15. Id., 555, 556, 565, 567, 745, 747, 755.

^f By Mr. Paul Ford, Nation, LX, 458. But not always correctly. He gives the House of Delegates, instead of the Senate, a four years' term. He places the head of the home department among the President's Cabinet officers, though the speech gives the President himself the special care of that department. He says that the President is given no appointing power, whereas he is given power to appoint all officers but the judges and the foreign ministers. He mistakenly derives a fugitive-slave provision from that concerning fugitives from justice. He says that the power to levy imposts is subject to a limitation on the percentage, whereas Pinckney says: "I thought it improper to fix the percentage of the imposts, because," etc. Moore, I, 367.

speech was ever delivered in the Convention, even in portions "at different times in the course of their discussions" (as the title has it), we are obliged to confess that there is none. The present writer does not believe that any portion of this long oration, save one paragraph,^a was ever heard in Independence Hall. It is simply incredible that it should have been delivered, even in small portions administered from day to day, yet have escaped absolutely all notice from either Madison, Yates, Pierce, or King. Moreover, in spite of the title-page, it can not have been administered in small portions, but if given at all must have been given at once, and on May 29, the very day on which the plan was first read. For in the very closing paragraphs we find such language as this:

In opening the subject, the limits of my present observations would only permit me to touch the outlines [of my plan]. * * * The first object with the Convention must be to determine on principles. The most leading of these are * * * In order to bring a system founded on these principles to the view of the Convention, I have sketched the one which has just been read. I now submit it with deference to their consideration, and wish, if it does not appear altogether objectionable, that it may be referred to the examination of a committee. * * * I am doubtful whether the Convention will, at first, be inclined to proceed as far as I have intended; but, etc.

In other words, this purports to be a speech delivered after the plan had been read and before it had been referred; that is to say, delivered on May 29. No one can believe that a speech of such length and interest was made on that day yet escaped the notice of Madison and Yates.^b Madison's words are well known: "I was not absent a single day, nor more than a casual fraction of an hour in any day, so that I could not have lost a single speech unless a very short one."^c

But though the speech may be as imaginary as those of Herodotus or Thucydides, its statements as to the plan are probably entitled to some credit, especially as we find them agreeing with a number of the results which we have derived from the debates in the Committee of the Whole and from Read's letter. Not many structural details are added to those. The term of the Senate is to be four years; but that was implied in the plans for rotation. The Executive is to be

^aThe next to the last, which appears in another context, in the debate of July 2. *Documentary History*, III, 263; *Hunt*, III, 343, 344.

^bPierce had not yet taken his seat, and King's notes do not cover this day.

^c*Hunt*, II, 410, 411.

reeligious. He is provided with a Cabinet. He is to be commander-in-chief, and to appoint all officers except the judges and the ministers to foreign countries.^a He is also stated to be removable by impeachment, though Pinckney strongly opposed this in the Convention.^b On the other hand, many new details, of considerable interest if we can trust them, are given concerning the powers to be intrusted to Congress. Some of them merely repeat the provisions of the Articles of Confederation. Of the rest, the most important are: an unqualified right to raise troops; the right to levy taxes upon the States in proportion to the white population plus three-fifths of the slaves, to regulate trade, to levy imposts, to institute all necessary offices, to erect a Federal court with jurisdiction over Federal and international cases, and to appoint courts of admiralty in the States; an exclusive right to coin money and to determine in what species of money the common treasury should be supplied; an exclusive right to regulate the militia and order its movements; the right to coerce States into furnishing their quotas of militia, to admit new States, to consent to the division and annexation of small States, and to pass a uniform law for naturalization. A two-thirds majority was to be requisite for those acts which under the Confederation had required the assent of nine States in Congress, and for acts regulating trade, levying an impost, or raising a revenue. A less number than thirteen States (nine, it is intimated) should suffice to ratify the new Constitution, or subsequently to amend it.^c

But next there occur certain miscellaneous provisions that are certainly without authority. They are described as securing—

the privilege of the writ of habeas corpus, the trial by jury in all cases, criminal as well as civil, the freedom of the press, and the prevention of religious tests as qualifications to offices of trust or emolument. * * * There is also an authority to the national legislature, permanently to fix the seat of the General Government, to secure to authors the exclusive right to their performances and discoveries, and to establish a federal university.^d

Of these seven provisions, the last three were introduced into the Convention on August 18, in almost identical terms,

^a Moore, I, 364.

^b July 20. Documentary History, III, 383, 386.

^c Moore, I, 366-369, arts. 6-10, 16; the rest are not cited in the speech by number.

^d Moore, I, 369.

by both Madison and Pinckney, and Pinckney, we are told, in a phrase which would hardly be used of features of his original plan, "proposed for consideration several additional powers which had occurred to him."^a Madison, moreover, submitted his suggestions "in order to be referred to the Committee of Detail."^b Now, Pinckney's whole plan had been formally referred to that committee on July 24.^c It is inconceivable that the methodical Madison should have reintroduced a portion of it, three or four weeks later, in order that it might be referred to the same committee. It is unlikely that Pinckney himself would have done so. The same unlikelihood must be urged against the provisions securing habeas corpus and freedom of the press and forbidding religious tests; for on August 20 Pinckney "submitted them to the House, in order to be referred to the Committee of Detail."^d

Concluding that to a considerable extent, and with more or less confidence, we can reconstruct the actual plan which Pinckney laid before the Convention on May 29, we may now turn, finally, to the question, If the document which Pinckney sent to John Quincy Adams was not his original draft, what was it? The question is really not a very difficult one. The similarity of the supposed draft to the final Constitution has constantly been noticed. Its resemblance to the report of the Committee of Detail is still closer.^e The differences from the latter consist, first, of some omissions or abbreviations of the less important passages, as of the tedious rule for deciding land disputes between two States; secondly, of some additions and alterations, almost all of which are recognizable fragments of the genuine Pinckney plan, or of Pinckney's later sugges-

^a Documentary History, III, 554. Both again joined in moving for the power to establish a university, on September 14; *id.*, 745.

^b *Ibid.*, 555.

^c *Ibid.*, 423, 443.

^d Documentary History, III, 565. The argument might seem weakened by the existence of the amendments which ensue, p. 566, regarding the cabinet; but these go into much more detail than, probably, was done in the plan. The motion for freedom of the press reappears, as made by Pinckney and Gerry, on September 14; Documentary History, III, 747. That for trial by jury in civil cases is made by the same two delegates on September 15; *id.*, 755.

^e This closeness of resemblance was noted by Sparks in a letter of November 14, 1831, to Madison; H. B. Adams, Jared Sparks, II, 529. The text of the report of the Committee of Detail given in the Journal, pp. 215-230, and (from Madison) in Documentary History, III, 444-458, is apparently more exact than those which are given (from Washington's and Brearley's copies) in the latter work I, 285-308, 335-358, where, in the attempt to represent the original print by large type and the manuscript additions by small letters, some errors seem to have crept in.

tions. Such are the peculiar provisions for the election of the Senate (Articles 4 and 10 of the so-called plan); those in Article 6 for a national university, for the establishment of a seat of government and for exclusive jurisdiction of Congress in its immediate area, for the proportioning of direct taxation to the whole population of the State (he had inserted the three-fifths rule in his plan, but had stated his personal preference for reckoning in the slaves),^a for the prohibition of religious tests, for liberty of the press, and for habeas corpus; that in Article 8, for the reeligibility of the President; and that in Article 11, securing to the national Congress a negative on State laws. All the rest does not amount to ten lines, or a thirtieth part of the document. Practically, in other words, the so-called Pinckney plan consists of the report of the Committee of Detail, as brought in on August 6, minus some of its lesser features, and plus some of those of his real plan. It is not possible to say that Pinckney answered Adams's request by sitting down and copying the printed report of the Committee of Detail, paraphrasing to a small extent here and there, and interweaving as he went along some of the best-remembered features of his own plan. But it is possible to declare that if he had done this the result would have been precisely like that which in fact he sent on to Washington.

Moreover, it is an ascertainable fact^b that in December, 1818, when the document was sent, he had still in his possession his printed copy of the report of the Committee of Detail, as secretly put in type for the use of the members on August 6, 1787; for in the letter to Adams which accompanies the draft he says:

I can assure you as a fact that for more than four months and a half out of five the power of exclusively making treaties, appointing foreign ministers and judges of the Supreme Court was given to the Senate, after numerous debates and consideration of the subject, both in Committee of the Whole and in the House. This I not only aver, but can prove by printed documents in my possession to have been the case.^c

By what printed document could such a point possibly have been proved in 1818, but by the printed report of the Committee of Detail? From the nature of the case there was no

^a Documentary History, III, 324.

^b *Semble*, That a man may be trusted in casual and unintended indications in a letter, even though in its main purport it be deceptive.

^c Hunt, III, 23.

other. It is well known that several members carefully preserved their copies." It will perhaps be remembered that though Madison's final explanation, written down in connection with his notes, was that Pinckney's rough draft, marked with subsequent erasures and amendments, may have been the source of the document he supplied to the Secretary of State, his original conjecture, expressed in conversation to Sparks, is said to have been that Pinckney "had found a copy of the plan reported by the committee, with interlined amendments, perhaps proposed by him, and, at a distance of more than thirty years, had imagined it was his own plan." If the Committee of Detail is the committee meant, we may well accept, as our final result, the first half of this earliest conjecture.

But, it may be asked, may not another conclusion be drawn from the remarkable similarity observed between the document called the Pinckney draft and the report of the Committee of Detail? Is it certain that this is not due to the fact that the framers of the latter, who undoubtedly had Pinckney's plan before them, for it had been formally referred to them, based their work upon it, rather than upon the Virginia resolutions? The process by which one document is proved by internal evidence to be copied or derived from another is often a tedious one to expound or to read. In the present case it can be exhibited in an abridged form. We need not enter into a minute consideration of each phrase. Substantially the same results, in almost as convincing a form, can be shown by following the labors of the Committee of Detail through inspection of the order or succession of articles in certain documents.

There are five documents which show us practically all that we know of the work of the Committee of Detail. The first is the series of 23 resolutions confided to that committee on July 26, the text of which, gathered from the journals by Secretary Adams, is to be found in his edition of the Journal and in the first volume of Elliot.^b The second is that document in the handwriting of Edmund Randolph (and John Rutledge), members of that committee, which Mr. W. M. Meigs has

^a Bancroft, II, 119, 139; Ford, Bibliography, p. 3, No. 8.

^b Journal, pp. 207-213; Elliot, I, 221-223; Meigs, pp. 333-336. A copy of these resolutions, in James Wilson's handwriting, evidently put in form for the uses of the committee, exists among his papers in the library of the Historical Society of Pennsylvania.

conclusively proved ^a to be a document prepared by Randolph soon after the committee was appointed, to aid its members in the task before them—the task of elaborating the 23 resolutions and filling in details. This document has been printed in facsimile by Mr. Meigs. The third and fourth of the five documents alluded to have not hitherto been printed. Their manuscripts exist among those papers of James Wilson, another member of the Committee of Detail, which are possessed by the Historical Society of Pennsylvania.^b The former, upon comparison with the Randolph manuscript, appears plainly to represent a later stage of the committee's deliberations, and to be the result of an endeavor to work out Randolph's suggestions and to give formal shape to his details. It is of so great interest that, by the kind permission of the officers of the society, it is printed in this series. (No. VIII, post.) The fourth document differs but little from the final result of the committee's work. It exhibits that work in a still later stage. That stage is so near the final one that it has not been deemed necessary to print the document *in extenso*, but a full statement of the differences between it and our fifth document is presented herewith (in No. VIII) immediately after the third. The fifth is, of course, the report of the Committee of Detail, a document often printed.^c Like the first, it consists of 23 articles, but they are different. Most of them, however, are to be found, more or less fully expressed, in the second, third, and fourth of the series.

These five documents, as has been said, enable us to trace in outline the history of the committee's work from the time of its appointment until, on August 6, it reported to the Convention. Now, without going into details respecting the text of the articles contained in them, let us merely consider what provisions, speaking generally, they contained, and in what order. Though it may give an abhorrent appearance to the page, this can most clearly and succinctly be done by denoting each provision by the number which it (or its amplified equivalent) bears in the articles and sections of the fifth and final document, the report of the Committee of Detail. Pur-

^a The Growth of the Constitution, pp. 317-324.

^b I am greatly indebted to Mr. John W. Jordan, librarian of the society, for favoring me with copies of these two documents.

^c Documentary History, III, 444-458; Journal of 1819, pp. 215-230; also in Doc. Hist., I, 285-308, 335-358, and in Elliot, I, 224-230; but see note ^c, on p. 123, *supra*.

suing this mode of expression, then, we should say that the first document, the resolutions referred to the committee, contains the following provisions, in the following order: II, III, IV, 1; IV, 2; VI, 9; V, 1; V, 3; V, 2; VI, 9; VI, 12; VII, 1; VIII, IV, 3; IV, 4; VII, 3; IV, 5; V, 1; X, VI, 13; XI, 1, 2, 3; XVII, XVIII, XIX, XX, XXII, V, 1. The second, the Randolph document reproduced by Mr. Meigs, contains the following: III, IV, 2, 3, 4, 1; VI, 1, 3, 6, 5, 9; IV, 7; VI, 8; V, 1, 3, 2 (VI, 3, 6, 5, 9, 8); VII, 1, 4, 5, 6; X, VI, 13; XI, XVII, XVIII, XX, XXII, XIX, XXI, XXIII. The third document, the first of the two Wilson drafts, runs thus if we follow the same system of notation and omit for the present from consideration certain extraneous matter which is found embedded in the manuscript: I, II, III, IV, 1-4; VII, 3; IV, 5-7; V, 1, 2; IX, 1; V, 3; VI, 12; VI, 3; V, 4; VI, 4, 1, 2, 6, 8, 5b, 9, 11, 10, 7, 5a (then other matter, of which anon); XVII-XX, XXII, XXI, XXIII, VI, 13; IX, 2; IX, 3. The fourth of our documents would be represented thus: I-VIII, XII, XIII, IX-XI, XVII, XVIII, XIV-XVI, XIX, XX, XXII, XXI, XXIII.

Not a little instruction might be derived from this record of the transmutations which our fundamental document, or its germ, underwent during these eleven days at the hands of the committee. But our present concern is only with its bearings on the problem of the Pinckney plan and specifically on the question—the last remaining question, it is submitted—whether the report of the Committee of Detail might not after all have been modeled on the Pinckney plan rather than the latter on the former. We have shown, by a somewhat mechanical device, what was the actual genesis of the committee's report. Let anyone who is not fatally repelled by the notation examine the results with care, and then consider the fact that the articles of the so-called Pinckney plan, so far as they extend (it has nothing corresponding to Articles XXII and XXIII), run in exactly the same order as those of the committee's report, and that indeed almost absolutely the same order of clauses is preserved within the individual articles. Then let any person who has ever attended a committee meeting, and who remembers the process by which an important document was ground out, ask himself what the chance is that a document which was one of several put into the

hopper on July 26 should, after such permutations as those above exhibited, emerge on August 6 as the final result of the committee's deliberations, with almost exactly the provisions with which it entered, and in almost exactly the same order. This, it should be observed, is an argument against the theory of wholesale copying from Pinckney. It does not militate against the supposition that the committee, having Pinckney's plan before them, may have borrowed from it some portions.

When all of this paper but the last four paragraphs had been written, there came to the writer a manuscript containing large portions of the original text of the long-lost Pinckney plan.

Then felt I like some watcher of the skies
When a new planet swims into his ken;

or, more exactly, like one before whose telescope appears an asteroid which pursues exactly the orbit that he had predicted. The manuscript alluded to was a copy of James Wilson's rough draft, discussed on the preceding pages, and printed in a later section (VIII). In the midst of it there was a manifest break in text and sense, followed by passages which were readily perceived to be excerpts from the Paterson plan. Then came a series of propositions which were not less easily identified as parts of the much-sought Pinckney plan. Then Wilson's rough draft was resumed at a later point than that at which it was interrupted. Investigation showed that in the volume of Wilson papers possessed by the Historical Society of Pennsylvania, from which the copy came, there are four sheets of manuscript pertaining to the work of the Committee of Detail. The fourth in the order of binding contains those resolutions of the Convention which were turned over to the committee at its appointment as the main basis of its work. The first and third are the first and third sheets of Wilson's rough draft, based on the Randolph paper presented by Mr. Meigs. Its second sheet is missing. In its place is sandwiched-in a half-sheet containing the excerpts from the New Jersey and Pinckney plans already mentioned. A possible reason for their being found at this point is that, in the main, they relate to what would naturally be the middle portion of Wilson's

draft. They relate for the most part to the powers of Congress, of the Executive, and of the Judiciary. These three matters had received little elaboration in the Virginia plan or in the twenty-three resolutions of July 26. It was natural that Wilson, in essaying the task of amplifying this portion of the scheme, should draw off such passages as were germane to it from the other two documents which, it will be remembered, had likewise been referred to his committee. At all events, this is what appears to have been done. The half-sheet is written with a finer pen than the sheets which precede and follow (though in Wilson's own hand) and with a different spacing. It is distinctly an interpolation, and will not be printed with the rest in section No. VIII. It is inserted here. First are given the extracts from the Paterson plan.

An Appeal for the Correction of all Errors both in Law and Fact.

That the United States in Congress be authorised—to pass Acts for raising a Revenue—by levying Duties on all Goods and Merchandise of foreign Growth or Manufacture imported into any Part of the United States—by Stamps on Paper Vellum or Parchment—and by a Postage on all Letters and Packages passing through the general Post-Office, to be applied to such foederal Purposes as they shall deem proper and expedient—to make Rules and Regulations for the Collection thereof—to pass Acts for the Regulation of Trade and Commerce as well with foreign Nations as with each other.^a

That the Executive direct all military Operations.

That the Judiciary have Authority to hear and determine all Impeachments of foederal Officers; and, by Way of Appeal, in all Cases touching the Rights of Ambassadors—in all Cases of Capture from an Enemy—in all Cases of Piracies and Felonies on the high Seas—in all Cases in which Foreigners may be interested in the Construction of any Treaty, or which may arise on any Act for regulating Trade or collecting Revenue.^b

If any State, or any Body of Men in any State shall oppose or prevent the carrying into Execution the Acts or Treaties of the United States; the Executive shall be authorised to enforce and compel Obedience by calling forth the Powers of the United States.

That the Rule for Naturalization ought to be same in every State.

These portions of the New Jersey draft require little explanation. The first line is a misplaced phrase from the end of the second article. The next paragraph is derived from that article and contains such important provisions in it as are not found in the twenty-three resolutions of July 26, which is just what we should expect upon the theory above suggested

^aThe margin adds: "to lay and collect taxes."

^bThe margin adds: "or on the Law of Nations, or general commercial or marine Law."

as to the reasons for making these memoranda. Similarly, the next sentence contains the one provision of Paterson's fourth proposal which is not in the twenty-three resolutions. The next paragraph contains the most essential portions of Paterson's Article 5, in so far as these were not contained in the other or main document which the committee had before it; most of them, however, were in Randolph's plan. The provisions for coercion and for naturalization are, for similar reasons, copied out of the seventh and tenth of Paterson's articles.^a Then comes in the manuscript a space unusually wide, and then, obviously proceeding *per saltum* to the beginning of a fresh document, we read a longer group of extracts from the Pinckney plan.^b (The italics are not in the original, but are used for a purpose which will be explained later.)

The Legislature shall consist of two distinct Branches—a *Senate* and a *House* of Delegates, each of which shall have a Negative on the other, and shall be stiled the U. S. in Congress assembled.

Each House shall appoint its own Speaker and other Officers, and settle its own Rules of Proceeding; but neither the Senate nor H. D. shall have the Power to adjourn for more than Days, without the Consent of both.

There shall be a *President*, in which the Ex. Authority of the U. S. shall be vested. It shall be his Duty to inform the Legislature of the Condition of U. S. so far as may respect his Department—to recommend Matters to their Consideration—to correspond with the Executives of the several States—to attend to the Execution of the Laws of the U. S.—to transact Affairs with the Officers of Government, civil and military—to expedite all such Measures as may be resolved on by the Legislature—to inspect the Departments of foreign Affairs—War—Treasury—Admiralty—to reside where the Legislature shall sit—to commission all Officers, and keep the Great Seal of U. S. He shall, by Virtue of his Office, be Commander in Chief of the Land Forces of U. S. and Admiral of their Navy. He shall have Power to convene the Legislature on extraordinary Occasions—to prorogue them, provided such Prorogation shall not exceed Days in the space of any . He may suspend Officers, civil and military.

The Legislature of U. S. shall have the exclusive Power—of raising a military Land Force—of equipping a Navy—of rating and causing public Taxes to be levied—of regulating the Trade of the several States as well with foreign Nations as with each other—of levying Duties upon Imports and Exports—of establishing Post-Offices and raising a Revenue from them—of regulating Indian Affairs—of coining Money—fixing the Standard of Weights and Measures—of determining in what Species of Money the public Treasury shall be supplied.

^a As numbered in the eleven-article texts; see p. 134, post.

^b Immediately upon discovering this document, I communicated it to the American Historical Review, and it was printed in the section devoted to documents, in the number for April, 1903 (VIII. 509-511).

The foederal judicial Court shall try Officers of the U. S. for all Crimes &c. in their Offices.

The Legislature of U. S. shall have the exclusive Right of instituting in each State a Court of Admiralty for hearing and determining maritime Causes.

The Power of impeaching shall be vested in the H. D. The Senators and Judges of the foederal Court, be a Court for trying Impeachments.

The Legislature of U. S. shall possess the exclusive Right of establishing the Government and Discipline of the Militia &c.—and of ordering the Militia of any State to any Place within U. S.

Since the preceding document follows Paterson so nearly verbatim, we are warranted in supposing that this, as far as it goes, is an accurate transcript. But what proves it to be Pinckney's plan? First, we have here a body of material plainly derived from two documents, and exactly meeting certain needs which we know, from the nature of the twenty-three resolutions of July 26, the Committee of Detail must have felt; one of the two is the second of the pieces which had been referred to them; it is most likely that the other is the third. Secondly, the more numerous house is termed "House of Delegates," the name which it bore in Pinckney's plan, according to Read's letter and Pinckney's "Observations," but in no other of the known projects. Thirdly, out of some forty provisions given in the text above, not one is in conflict with what we otherwise know of Pinckney's real plan, developed according to the method established on previous pages. It is impossible not to feel that the newly discovered document and the preceding investigation confirm each other to a remarkable degree; not to be gratified by so signal a corroboration, and not to regret that the whole plan can not be found.^a

The discovery of these documents shows that the reference of the New Jersey and Pinckney plans to the Committee of Detail was not, as has generally been assumed, a mere smothering of them. They were used. To what effect they were used may be seen by comparing them with some of those five papers which, as has been said, exhibit in successive stages the work of the Committee of Detail. Paterson's proposals for a power to levy duties on imports, to regulate commerce, to make uniform the rules for naturalization, to give the Executive the power to direct all military operations, and to

^a "W. S. E. of S. C.," in De Bow's Review, XXXIV, 63, and n. s. I, 375, says that "The original draft, in his [Pinckney's] own handwriting, with notes and interlineations, was preserved among his papers," but implies that it perished in the Charleston fire of 1861.

give the Federal courts jurisdiction over cases relating to ambassadors, and his provisions for the return of fugitives from justice, all appear in the report of the Committee of Detail; but none of these are to be found in the twenty-three resolutions, though it must be said that the first two were in 1787 the commonplaces of constitutional reform. Pinckney's plan, among the forty provisions (roughly speaking) which are preserved to us in the text above, contains no fewer than nineteen or twenty that are to be found in the committee's report, but were not in the twenty-three resolutions referred to them at the beginning of their work, nor in the Virginia resolutions, nor in those offered by Paterson. They are marked by italics in the text above. Taken together, they constitute a noteworthy contribution for the youngest delegate to have made, and show that the labor he spent in drawing up a plan before the Convention began its work was not expended in vain.

In some cases we can trace the process by which these portions of Pinckney's scheme found their way into the committee's report. Thirteen of them are to be found in Mr. Meigs's facsimile of the Randolph draft, which stands second among the papers that mark the committee's progress. Of these, four, it is exceedingly interesting to observe (and also one respecting Indian affairs, which did not take effect), stand minuted in the margin or interlined in the text by the hand of John Rutledge, of South Carolina, colleague of Pinckney and representative of their State upon the committee.^a Another, though it does not appear in the Randolph draft, is found slipping from the margin into the text of Wilson's rough draft, the paper next in order of development.^b

It is perhaps sufficient to remark, in conclusion, that as a maker of the Constitution Charles Pinckney evidently deserves to stand higher than he has stood of late years, and that he would have a better chance of doing so if in his old age he had not claimed so much.^c

^a I refer to the words "to regulate weights and measures," in the margin of Mr. Meigs's Plate V, the words "and equip fleets," interlined in the text nearly opposite, and in the margin of Plate VI the phrases "to be commander in chief of the land and naval forces of the Union," and "shall propose to the legislature from time to time, by speech or message, such matters as concern the Union."

^b The provision that each house shall appoint its presiding officer.

^c Beside his "plan," we owe to his later suggestion the whole or part of Art. I, § 8, cls. 4, 8, 11, 17, § 9, cl. 2, and Art. VI, § 3, cl. 2.

VI. THE TEXT OF THE NEW JERSEY PLAN.

On the 15th of June, according to the journal of the Convention," "Mr. Paterson submitted several resolutions to the consideration of the House, which he read in his place, and afterwards delivered in at the secretary's table," and which have since been famous as the New Jersey or Paterson plan. But of this document, or series of resolutions, four different texts exist, and it can be declared with confidence that none of them precisely represents the original as presented on June 15.

In order to an intelligent investigation of these texts, it is necessary first to recall what has hitherto been known of the genesis of the document. On June 13 the Committee of the Whole had practically completed its report, based on the Virginia plan. On June 14—

Mr. Paterson observed to the Convention that it was the wish of several deputations, particularly that of New Jersey, that further time might be allowed them to contemplate the plan reported from the Committee of the Whole, and to digest one purely federal and contradistinguished from that reported plan.^b

The next day, June 15, he "laid before the Convention the plan which he said several of the deputations wished to be substituted in place of that proposed by Mr. Randolph." Madison states its origin thus:^c

This plan had been concerted among the deputations, or members thereof, from Connecticut, New York, New Jersey, Delaware, and perhaps Mr. Martin, from Maryland, who made with them a common cause on different principles.

Luther Martin, in his remarks before the Maryland legislature, definitely claims a share in its preparation, saying:

We then thought it necessary to bring forward the propositions which such of us who had disapproved the plan before [submitted?] had prepared. The members who prepared these resolutions were principally of the Connecticut, New York, Jersey, Delaware, and Maryland delegations. The Hon. Mr. Paterson, of the Jerseys, laid them before the Convention. Of these propositions I am in possession of a copy, which I shall beg leave to read to you.^d

^a Documentary History, I, 64, 65.

^b Id., III, 123.

^c Id., III, 124; Gilpin, II, 862, 863; Elliot, V, 191; Hunt, Writings of Madison, III, 165, 166.

^d Genuine Information, in Yates' Secret Proceedings, ed. 1821, p. 19; Elliot, I, 349.

Mr. Bancroft says that the informants of the English Government named Governor Livingston as the author.^a

Of the five texts which have been stated to be in existence it may be proper to take into consideration first that which is given by Madison. It is to be found in his notes as printed in the *Documentary History*,^b in Gilpin,^c in the fifth volume of Elliot,^d and in the third volume of Hunt's edition of the *Writings of James Madison*.^e It consists of nine articles. The first declares that the Articles of Confederation should be made adequate; the second gives Congress additional sources of revenue and the right to regulate commerce; the third proposes a new plan for the assessment and collection of requisitions; the fourth provides a plural Executive; the fifth a supreme Federal judiciary; the sixth makes the acts and treaties made by Congress the supreme law of the States; the seventh requires provision for the admission of new States; the eighth for uniform rules of naturalization; the ninth relates to the citizen of one State who commits offenses in another. This text we will call A.

• Another, which may be called B, is that which is presented as an appendix to the official journal of the Convention, in the first volume of the *Documentary History*,^f is inserted in the text of that record in the *Journal of 1819*,^g and is taken from the latter into Elliot^h and Yates.ⁱ The manuscript from which it is copied is declared, in the *Journal of 1819*,^j to have been derived from Gen. Joseph Bloomfield, executor of David Brearley, and the fact that it is one of the Brearley manuscripts also appears in the pages of the *Documentary History*. As Brearley was a member of the New Jersey delegation, the paper might seem entitled to considerable authority. Its text, however, differs from that which we have called A in several particulars. To begin with, it has eleven articles instead of nine. Those which do not appear in A are the sixth

^a *History of the Formation of the Constitution*, II, 40, note 2. See Report on Canadian Archives for 1890, p. 101.

^b III, 125-128.

^c II, 863-867.

^d Pp. 191-193.

^e Pp. 166-170.

^f I, 319-323.

^g Pp. 123-127.

^h First ed., IV, 70-72; "second" (third) ed., I, 175-177.

ⁱ Ed. 1821, pp. 221-224.

^j Pp. 11, 123.

resolution, providing, as had been provided in the fourteenth article of Randolph's plan and in the eighteenth of the report of the Committee of the Whole, and in their exact language, "that the legislative, executive, and judiciary powers within the several States ought to be bound by oath to support the Articles of Union;" and the ninth resolution of B, which declares "that provision ought to be made for hearing and deciding upon all disputes arising between the United States and an individual State respecting territory." These are not unimportant provisions. Furthermore, in the fourth resolution, relating to the Executive, A provides that they shall be "removable by Congress on application by a majority of the executives of the several States," whereas B reads "removable on impeachment and conviction for malpractice or neglect of duty by Congress on application by a majority of the executives of the several States." This awkward provision wears plainly the aspect of an attempt to join, without fusing, two independent devices for getting rid of an unacceptable Executive. We shall be helped in understanding it if we observe a bit of the proceedings in Committee of the Whole on June 2. It was moved by one of the Delaware members, Dickinson, seconded by another, Bedford, both presumably concerned afterwards in concocting the Jersey plan, to add the words "to be removable by the National Legislature upon request by a majority of the legislatures of the individual States." This was voted down, Delaware alone voting in the affirmative. Then the committee proceeded to add the words which appear in the report of the Committee of the Whole: "to be removable on impeachment and conviction of malpractice or neglect of duty."^a The former of these two devices reappears, slightly modified, in text A of the resolutions prepared by the members from Delaware and the other small States. Both appear in B.

In reading the Journal of 1819 Mr. Madison's attention was arrested by these discrepancies. In a footnote to his record of the debates, inserted immediately after his nine-article text of the New Jersey resolves, he says:

This copy of Mr. Paterson's propositions varies in a few clauses from that in the printed journal furnished from the papers of Mr. Brearley, a

^a Documentary History, I, 206, 207; III, 48-51. Madison had himself suggested impeachment on the preceding day, June 1, in remarks which he does not report, but which are given by Pierce, *American Historical Review*, III, 321.

colleague of Mr. Paterson. A confidence is felt, notwithstanding, in its accuracy. That the copy in the journal is not entirely correct is shown by the ensuing speech of Mr. Wilson (June 16), in which he refers to the mode of removing the Executive by impeachment and conviction as a feature in the Virginia plan, forming one of its contrasts to that of Mr. Paterson which proposed a removal on the application of a majority of the executives of the States. In the copy printed in the journal the two modes are combined in the same clause, whether through inadvertence or as a contemplated amendment does not appear.^a

The remarks of Wilson to which Madison alludes occur in the course of a series of contrasts which Wilson draws between the two plans. That the point which Madison makes in this footnote is well taken appears not only from his own report of what Wilson said, but from such other reports as have come down to us.^b In his series of parallels, Wilson says that in the Virginia plan the Executive is to be "removable on impeachment and conviction," in the other to be "removable at the instance of a majority of the executives of the States." So far, then, the evidence is in favor of text A.

But the little manuscript book already spoken of as preserved among Judge Paterson's papers contains his own version of his resolutions, and this text agrees in every substantial particular with B.^c It contains the two additional articles, the sixth and the ninth of B's numbering, and it presents the same provisions as are given by B with respect to the removal of the Executive. But the manner in which it presents them is interesting, and may explain the form in which they appear in the Brearley version, B. The resolutions are given on the right-hand pages of the book. Certain phrases accidentally omitted in copying are given with asterisks on the left-hand pages, other asterisks marking the places of their insertion on the right-hand pages. But in this instance of the fourth article, we have, without asterisks, on the right-hand page the words, "and removeable on Impeachment and Conviction for Mal-Practice, or Neglect of Duty," and opposite them on the left-hand page the words "by Congress on Application by a Majority of the Executives of the several States." Thus placed, the two phrases have the appearance of being alter-

^a Documentary History, III, 128; Hunt, III, 170.

^b Ibid., III, 133; Gilpin, II, 872; Elliot, V, 195; Hunt, III, 176; Yates, p. 126, and Elliot, I, 414. Paterson's notes in George Bancroft's copies at the Lenox Library, p. 182.

^c Paterson has "subjects" in the seventh resolution, where Brearley has "subjects" stricken out and "citizens" written instead.

native proposals, upon which the coterie who framed the resolutions had not come, according to Paterson's subsequent memory, to a definite conclusion. It would have been likely that this should be the case, if the Delaware members had preferred the one form, while the rest had acquiesced in that which we see in the report of the Committee of the Whole. If in Brearley's copy the alternative gloss had crept from the margin into the text which Wilson knew, the form which we find in Article 4 of B would be accounted for.^a That the representatives of the smaller States were not disposed to be rigid about all details of their plan is evidenced by Dickinson's remark on June 19, when the discussion of the two plans was almost concluded, that he supposed there were good regulations in both, and that the committee might do well, after comparison, to consolidate such parts of them as they might approve.^b

But it would be idle to dispute whether A or B is to be preferred, in view of the fact that neither of them can possibly be the original text of the resolutions brought in by Paterson on June 15. This can be demonstrated from the journal of the Committee of the Whole for June 18, when, the New Jersey propositions being under discussion, Dickinson moved "to postpone the consideration of the first resolution submitted by Mr. Paterson, in order to introduce the following, namely," or (as we may read in words deleted by the secretary but still preserved in the manuscript)—

to substitute the following resolution in the place of the first resolution submitted by Mr. Paterson, namely, *Resolved*, That the Articles of Confederation ought to be revised and amended, so as to render the Government of the United States adequate to the exigencies, the preservation, and the prosperity of the Union.

Dickinson's motion was rejected June 19. It was then voted "to postpone the consideration of the first proposition offered by Mr. Paterson."^c Obviously, then, Paterson's first resolution and this declaration proposed by Dickinson were two different things. Yet in both A and B what is set down as the first of the Paterson resolutions is almost exactly identical with this vote proposed by Dickinson--so nearly the same in

^a I am informed by Mr. Allen, chief of the bureau of rolls and library, that Brearley's manuscript runs continuously and without interpolation at this point.

^b Yates, p. 140; Elliot, I, 425.

^c Documentary History, I, 224, 225.

phraseology that no sensible man, at so important a crisis for the smaller States, would have cared to suggest the slight alterations. There is, moreover, a significant passage in Luther Martin's *Genuine Information*,^a in which he says:

Nay, so far were the friends of the system [meaning the Virginia plan] from pretending that they meant it or considered it as a Federal system, that on the question being proposed, "that a union of the States, merely Federal, ought to be the sole object of the exercise of the powers vested in the convention," it was negatived by a majority of the members.

No motion expressed in these words is to be found in the journal of the Committee of the Whole. Careful search seems to show that what he says can have reference to nothing else than the rejection, on June 19, of Paterson's first resolution. As we have seen, the resolution which stands first in the current texts can not have been the first. The words which Martin quotes would be wholly appropriate to an introductory article. None but the first of Paterson's propositions, whatever they were, was ever brought to a distinct vote and separately rejected. It is probable, then, that here in these words of Martin we have the first of the New Jersey resolutions, alluded to but not quoted in the journal.

But it is now time to invoke the text which we shall call C. It is to be found in two periodicals contemporary with the days of the Convention—the *Maryland Gazette* or *Baltimore Advertiser*,^b of February 15, 1788, and Carey's *American Museum*.^c It will be remembered that Luther Martin, one of those who took part in drawing up the plan, had a copy of it which he read, or at any rate offered to read, to the Maryland assembly when giving them his "genuine information." Now, the series in the *Maryland Gazette* is headed with the words: "Resolves proposed to the Convention by the Honorable Mr. Paterson, and mentioned in Mr. Martin's Information to the House of Assembly." It is likely that the printer got his copy from Martin. The text in the *American Museum* gives no indication of its provenance.

But whatever the origin of C, its peculiarities are interesting. In the first place, it consists of no less than sixteen

^a Yates, p. 42; Elliot, I, 362.

^b Not to be confounded with the *Maryland Gazette* published at the same time at Annapolis. I am indebted to Mr. Porter Hollis of the Johns Hopkins University for kindly copying for me this text.

^c III, 362, 363.

articles, and the first of these is that identical resolution the existence of which we have been led to suspect from Martin's reminiscence, and which almost certainly was the one voted down in committee on June 19. It is expressed in exactly the words quoted by Martin.^a Article 2 is Dickinson's substitute, which we can be sure was not a part of the original. The other articles, with a single exception, correspond to those of B, but with a different order and with some subdivision.^b That exception, Article 14, is almost as interesting as Article 1. It reads: "*Resolved*, That it is necessary to define what offenses committed in any State shall be deemed high treason against the United States." Now, not only is this interesting on account of its intrinsic importance, but it occurs, crossed out, in the corresponding position in the series written down in Judge Paterson's little book. This may make us doubtful whether it was in fact laid before the Convention, and so again skeptical as to C's being the genuine original text, as submitted on June 15. In the passage on the removal of the Executive,^c the reading of C is simply, "removable on impeachment and conviction for malpractice, corrupt conduct, and neglect of duty."

The fourth text, which we may call D, need not long detain us. In the appendix to the first volume of the Life and Correspondence of Rufus King,^d among some notes which he wrote out about 1818-1821, there appears a series of seven articles, briefly summarized, headed, "Quere if Paterson's Project." The next words run: "The powers of the Convention only authorize the enlargement of the provisions of the Confederation, viz." These words point to both the first article of C and its second, the first of A and B. The seven articles which follow correspond, in the same order, to Articles 2-6, 8, and 9 of A. The text is obviously too much abbreviated, too plainly derivative, to have much independent authority. Its reading as to the removal of the Executive is: "removable by Congress on application of a majority of the state executives," the reading of A, for which Madison contended and which Wilson's speech supports.

^a Save "this Convention" where he says "the Convention."

^b Art. 2 = 1 of B; Art. 3 = 2 of B; Arts. 4, 5 = 3 of B; Arts. 6, 7 = 4 of B; Arts. 8, 9 = 7 of B, Art. 10 = 5 of B; Art. 11 = 6 of B, which, it will be remembered, is not in A; Art. 12 = 9 of B, of which the same is true; Art. 13 = 8 of B; Arts. 15 and 16 = 10 and 11 of B, respectively.

^c At the end of article 6.

^d Pp. 600, 601.

But if we are obliged to leave in some doubt the question of the exact text of the New Jersey resolutions, it may be possible for us to cast some light on their genesis by the use of certain papers preserved by Judge Paterson.^a Those to which allusion is made and which are really significant are two in number. Each is written in Paterson's handwriting on a single sheet of foolscap. One of these, plainly the earlier one, consists of five articles, and may not improbably, for reasons which will appear, be attributed to John Lansing, jr., of New York, who, we may infer from the remarks of Madison and Martin, took part with the members from the small States in the preparation of the Jersey plan. Its first resolution is that declaration for a union merely federal which, as we have seen, stood at the head of the genuine Paterson resolutions and was rejected by the Convention. On that very account, perhaps, it is here crossed out. Its second article is that which Dickinson, on June 18, moved as a substitute for the preceding and which stands as the first resolution in A and B and the second in C. Its third article, "that the Federal Government of the United States ought to consist of a supreme legislative, executive, and judiciary," is practically the vote of the Committee of the Whole on May 30,^b at the beginning of its deliberations, but with the important substitution of "Federal" (that shibboleth of the particularists)^c for "national." The fourth article is to the effect "that the powers of legislation ought to be vested in Congress." This no doubt means vested in a Congress organized like the present Congress of the Confederation, as distinguished from the bicameral body proposed by the Committee of the Whole. This resolution does not appear in the printed texts. But on June 16 one of the group who prepared the New Jersey plan, Ellsworth, proposed "that the legislative power of the United States should remain in Congress." "This," says Madison, "was not seconded, though it seemed better calculated for the purpose than the first proposition of Mr. Paterson, in place of which Mr. E. wished to substitute it."^d Again, on June 20, it was moved by Lansing and sec-

^a For these I am indebted to the kindness of Mr. Noah F. Morrison, of Elizabeth. There are copies among the Bancroft MSS., at the Lenox Library.

^b Documentary History, I, 200.

^c Yates, pp. 42, 43.

^d Documentary History, III, 136; Hunt, III, 179. The motion does not appear in the journals.

ended by Sherman, two others of the group, to postpone the consideration of the second resolution of the Committee of the Whole, in order to take up the following: "*Resolved*, That the powers of legislation be vested in the United States in Congress."^a Accordingly this provision, though it seems to have dropped out from the plan before the final framing, was one to which several of the framers were attached, and had a natural place in a preliminary sketch.

The fifth and last article of this incomplete sketch deals with additions to the powers of Congress, over and above those which the Articles of Confederation had conferred upon it. It closely resembles the article on this subject which we find in the printed series, and resembles it in such a way as to be almost certainly its prototype. This can probably not be made clear without quoting it. It reads:

Resolved, That in Addition to the Powers vested in the United States in Congress by the present existing Articles of Confederation, they be authorised to pass Acts for levying a Duty or Duties on all Goods and Merchandize of foreign Growth or Manufacture imported into any Part of the United States not exceeding per Cent. ad Valorem to be applied to such federal Purposes as they shall deem proper and expedient, and to make Rules and Regulations for the Collection thereof; and the same from Time to Time to alter and amend in such Manner as they shall think proper, *Provided*, That all Punishments, Fines, Forfeitures and Penalties to be incurred for contravening such Rules and Regulations shall be adjudged and decided upon by the Judiciaries of the State in which any Offence contrary to the true Intent and Meaning of such Rules and Regulations shall be committed or perpetrated; subject nevertheless to an Appeal for the Correction of any Errors in rendering Judgment, to the Judiciary of the United States.

That the United States in Congress be also authorized to pass Acts for the Regulation of Trade as well with foreign Nations as with each other, and for laying such Prohibitions and such Imposts and Duties upon Imports as may be necessary for the Purpose; *Provided*, That the Legislatures of the several States shall not be restrained from laying Embargoes in Times of Scarcity; and provided further that such Imposts and Duties so far forth as the same shall exceed per Centum ad Valorem on the Imports shall accrue to the Use of the State in which the same may be collected.

If all this be compared with Article 2 of A or B, it will be plainly seen that it is the original of the latter, or represents an early stage in its elaboration. In the margin stand the words "Imposts, Excise, Stamps, Post-Office, Poll Tax," evi-

^a Documentary History, I, 67, 68.

dently minuted as suggestions of further sources of federal revenue to be considered; and the final draft, though, as might be expected, it avoids the excise and the poll tax, inserts after the mention of revenue by duties on imports the words "by stamps on paper, vellum or parchment, and by a postage on all letters or packages passing through the general post-office." Attention may be called to the close relation between these proposals and the revenue proposals of 1781 and 1783 and the project of 1784 for the regulation of commerce. In short, we have in this document a *Vorschrift* for the New Jersey plan, drawn up by a man or men who were willing to go but little beyond those rejected and insufficient schemes.

Either no more was written of this paper or Paterson copied no more. The other paper extends farther and seems to mark a later stage in the process. Its first article is that which we ultimately find as the first of A and B. Its second insists that the amendments resolved on by the Convention should be submitted to Congress and to each State, after the fashion prescribed in Article 13 of the Confederation. Articles 3 and 4 are the same as those of the shorter paper. The numbers 5, 6, and 7 are left with blanks in the text. This is done to save copying; for in the margin, against 5, we read, "See Mr. Lansing;" against 6, "See Gov. Randolph's 7th Prop'n;" against 7, "Same, 9th." Now, since in the finished document, at least according to texts A and B, we find at this point a resolution relating to the additional powers to be conferred on Congress, then (after that on requisitions) one on the executive which closely resembles Randolph's seventh resolution, then one on the judiciary, which closely follows his ninth, it is not illegitimate to infer that the fifth article of the shorter paper, whose text we have quoted and on which the article on the powers of Congress in the final document was plainly modeled, is here alluded to as the work of John Lansing, of New York. The eighth and ninth articles, assertions of the equality of the States in sovereignty and independence and of their consequent right to equal representation in the supreme legislature, need not detain us. The part which such assertions played in the transactions of the Convention is well known. The two papers under discussion have their main interest as preparatory sketches for the completed New Jersey plan, the general nature of which is after all ascertainable, and

as helping to explain its development. It was doubtless a joint product." It may be remembered, by the way, that Ellsworth, Paterson, and Luther Martin were fellow-students at Princeton and companions in founding the Cliosophic Society.

VII. THE TEXT OF HAMILTON'S PLAN.

In any discussion of Hamilton's formal suggestions for the proposed Constitution of the United States, it is important to keep in mind the distinction between the brief outline which he read in connection with his important speech of June 18 and the longer and more elaborate plan which, near the end of the sessions of the Convention, "was placed in Mr. Madison's hands for preservation by Colonel Hamilton, who regarded it as a permanent evidence of his opinion on the subject."^b

Of this longer document Madison returned the original, from which it was printed in Hamilton's Works,^c and kept a copy, from which it was printed by Gilpin^d and by Elliot,^e and more recently in the Documentary History^f and in Hunt's Writings of James Madison.^g The text of all these is the same, and not at the present day a matter of controversy. One detail, however, was a hundred years ago a matter of vivid dispute, and may deserve a passing notice. It having been alleged "in a Jacobin meeting at Salem"^h that Hamilton had proposed that the president and senate should be chosen for life, Timothy Pickering wrote to him requesting information on the point. Hamilton replied in a letter of September 16, 1803, admitting that he had proposed a tenure during good behavior for president, senate, and judges, but declaring that his final opinion in the Convention had been reversed, so far as the executive was concerned.

^a See, also, p. 150, *infra*; and, for the use made of the New Jersey resolutions in the Committee of Detail, p. 129, *supra*.

^b Gilpin, III, xvi. Mr. Lodge seems really to suppose the longer document to have been laid before the Convention at the same time with the shorter, when he says (Works of Hamilton, I, 351 n.): "Many of the clauses of the existing Constitution would seem to have been taken exactly from Hamilton's draft."

^c J. C. Hamilton's edition, II, 395-409. The original is now in the Astor Library.

^d III, xvi-xxviii.

^e V, 584-590.

^f III, 771-788.

^g III, 197-209. Madison had at some time furnished Jefferson with a copy of this paper. See his letter of July 17, 1810 (Letters, II, 481), written under the apprehension that he had lost his own copy.

^h Pickering to Hamilton, April 5, 1803, 6 Mass. Hist. Soc. Coll., VIII, 179.

In the plan of a constitution, which I drew up while the Convention was sitting, and which I communicated to Mr. Madison about the close of it, perhaps a day or two after, the office of president has no greater duration than for three years.^a

Madison in one of his letters, in which he is discussing the disputed numbers of the "Federalist," animadverts upon this as a signal instance of the fallibility of Hamilton's memory;^b for the tenure is during good behavior both in the Madison copy and in that found among Hamilton's papers.^c

But it is the briefer sketch read on June 18 which more concerns us. It obviously has more in common with the projects laid before the Convention in its early days by Randolph, Pinckney, and Paterson than has the finished document which Hamilton drew up when all discussion was ended. And yet it stands on a somewhat different basis from these. It was never formally proposed to the Convention, and of course never referred to a committee; in a sense, it was but a portion of a speech. Its author, at the time when he read it, stated, according to Madison's report, that --

he did not mean to offer the paper he had sketched as a proposition to the committee. It was meant only to give a more correct view of his ideas, and to suggest the amendments which he should probably propose to the plan of Mr. R. in the proper stages of its future discussion.^d

To the same purport Madison says, in a letter to John Quincy Adams:

Colonel Hamilton did not propose in the Convention any plan of Constitution. He had sketched an outline which he read as part of a speech, observing that he did not mean it, etc.^e

But though laid before the Convention so informally, Hamilton's paper was regarded by his colleagues with so much interest that we have eight different texts of it from copies kept by at least six different members of the Convention.

^a Niles's Register, III, 148; Pickering's Review, pp. 172-173 (120-121 of second ed.); Pitkin, II, 259-260; Works, ed. Hamilton, VI, 556; J. C. Hamilton, Life of Alexander Hamilton, II, 548; id., History of the Republic, III, 344, 345. At p. 343 of the latter is a similar statement made by Hamilton in print during his lifetime.

^b To James K. Paulding, April, 1831. Letters, IV, 177. So also in Gilpin, III, xvi.

^c J. C. Hamilton's note, Republic, III, 345, is singularly inept; he says, regardless of what he had printed in Hamilton's Works, II, 401, sec. 9, "the term of three years is in the second plan."

^d Documentary History, III, 149; Gilpin, II, 889, 890; Hunt, III, 194.

^e Letter to J. Q. Adams, November 2, 1818. J. C. Hamilton's History of the Republic, III, app. III; Hunt, III, 209. J. C. Hamilton labors (ibid., 301 n.) to show that Madison contradicted himself on this point, but on the whole without success.

Presumably all these were written in the members' own handwriting, according to the practice described on a previous page, at the beginning of our study of the Virginia resolutions. In most cases we know that this was the fact. These texts manifest considerable differences in certain articles.

First of all (A) we have Hamilton's own text, in eleven articles, as printed in his works.^a The manuscript from which it was printed was found among his papers. Next (B) we have Madison's. Madison says that his report of the speech, in connection with which this plan was read, was revised by Hamilton, but his phrase does not necessarily imply that this was true of his text of the plan.^b The latter is printed in Gilpin,^c in Elliot,^d in the third volume of the Documentary History,^e and in Hunt's Madison.^f Thirdly, there is Brearley's copy (C), which General Bloomfield handed over to Secretary Adams, with the other papers mentioned on previous pages as derived from him, in May, 1818.^g This is printed in the Journal of 1819,^h in Elliot,ⁱ and in the first volume of the Documentary History.^j Fourthly, there is Paterson's copy (D), in his handwriting, which is contained in the small manuscript book already mentioned in these pages, and temporarily lent to the present writer. Fifthly, Read's Life of George Read presents a text in *nine* articles (E), "from a copy in Mr. Read's handwriting."^k It will be remembered that George Read, perhaps alone among the members of the Convention, expressed full approval of Hamilton's suggestions.^l The eleven articles are reduced to nine by the omission of the second and the consolidation of the fourth and fifth into one. Yates's minutes contain a summary of the plan, which, though very brief, is of interest and has an inde-

^a Ed. Hamilton, II, 393-395; ed. Lodge, I, 331-333.

^b Hunt, II, 411, III, 182; Gilpin, II, 892; Trist's memorandum in Randall's Jefferson, III, 594.

^c II, 890-892.

^d V, 205.

^e III, 149-151.

^f III, 194-197.

^g Letter of Adams, in Hamilton's Republic, III, app. p. ii; Journal, p. 130.

^h Pp. 130-132.

ⁱ I, 179-180.

^j I, 324-326.

^k Pp. 453, 454.

^l Documentary History, III, 212, 213, 217, 240.

pendent origin." Of the seventh and eighth texts, we may postpone our consideration for a few pages.

Among these six texts there are considerable variations, though Paterson's (D) is precisely like Brearley's (C). If there were no reasons to the contrary in any case the presumption would be in favor of assigning a superior authority to the copy found in Hamilton's own handwriting. But documents are often retouched, and we have seen how insecure such reasoning would be in the case of Pinckney or even of Paterson. Let us, then, study the variations. They occur in the text of the fourth, seventh, eighth, and ninth of Hamilton's eleven proposals.

In the fourth article, which relates to the executive, the variations are in that part which prescribes the (indirect) mode of his election. Text A provides for "his election to be made by electors chosen by electors chosen by the people in the election districts aforesaid," meaning the single-member districts arranged for the choice of senators. That is to say, it provides not that his election shall be secondary, but that it shall be, if the phrase is permissible, a tertiary election. An alternative is provided, which appears in no other of the texts, namely, "or by electors chosen for that purpose by the respective legislatures"—an election still tertiary. The Bloomfield and Paterson texts (C, D), though they do not give the second member of this alternative, agree exactly with the phraseology of the first. In Madison's text the process becomes simply that of secondary election—"the election to be made by electors chosen by the people in the election districts aforesaid." Read's text (E) agrees with this. That of Yates seems to support it. He writes, "Let electors be appointed in each of the States to elect the Executive;"^b but this brief phrase does not necessarily rule out the wording of A nor absolutely sustain that of B. Arguments from one or another of these texts derived from expressions used in the subsequent debates seem to be lacking. The longer and more intricate form in which A provides for the presidential election is sustained by the more elaborate plan which Hamilton

^a Secret Debates, ed. 1821, pp. 136, 137; Elliot, I, 423, with a difference, to be noted below.

^b Elliot, I, 423, changes the last word to "legislature," which the context shows to be erroneous. It should be remembered that the plan printed in the appendix to Yates is simply copied from that in the Journal of 1819, and has no independent authority,

showed to Madison in September, for this provided for a tertiary rather than a secondary election,^a and it is easy in copying to omit one of two similar phrases when the repetition is not perfectly well known to be intentional. On the other hand, it is not easy to imagine that the alternative method which is suggested in A was really in the document read on June 18, yet escaped all notice on the part of all five, or at any rate four, of those whose versions have come down to us.

In the seventh article, relating to the judiciary, the number of judges in the Supreme Court is left blank in B, C, D, and E, whereas in A the blank is filled with the word twelve. Much the most probable conclusion is that the document originally read had a blank at this point, which Hamilton subsequently filled in with the number. In his longer plan he provides for a court of from six to twelve judges.

The eighth article of A reads:

The Legislature of the United States to have power to institute courts in each State for the determination of all causes of capture and of all matters relating to their revenue, or in which the citizens of foreign nations are concerned.

In B, in C, in D, and in E (art. 6), we find a less specific definition of their jurisdiction: "for the determination of all matters of general concern." It would be natural, according to the usual rules respecting copying, to suppose that the more specific phrase was the original, the more general derivative; but this presumption is much weakened when we find four independent texts agreeing exactly in their phrasing of this provision.

Finally, in the ninth article, the various texts differ markedly in respect to the composition of the court for trying impeachments. Text A provides that they shall be tried by a court consisting "of the judges of the Federal Supreme Court, chief or senior judge of the superior court of law of each State." The others make no mention of the judges of the Federal Supreme Court. Once they were introduced, it is easy to see why the blank in Article 7 should be filled with the word twelve, lest in impeachments of Federal officers they be quite outnumbered by the thirteen chief justices of the States, or so many of them as could attend. But B, C, D, and E, while they confine the tribunal to the State judges, have minor

^a Documentary History, III, 775-778.

variations in their definition of them. B, in the Documentary History, reads, "to consist of the chief or judge of the superior court of law of each State;" in Gilpin and in Hunt, "of the chief or judge;" E, "chief or judges;" C and D, like A, "chief or senior judge." It is not difficult to imagine that, if the writer did not feel perfectly acquainted with the judicial systems of all the States, and therefore could not in advance of discussion decide what phrase should be used to cover the case of States which did not precisely have a chief judge, he might at first write "chief or judge," and afterward fill in the blank with the word "senior." In Hamilton's longer plan, the court for the trial of impeachments in the case of the higher officials is composed of the Supreme Court of the United States, (which, it will be remembered, was to consist of from six to twelve judges), plus the chief or senior judge of each State, any twelve to constitute a court.

The seventh and eighth texts have been postponed. It is no wise certain that they have an independent origin. In the first volume of "Porcupine's Works," published by William Cobbett in May, 1801, he tells us that "the plan of a Constitution, which Mr. Hamilton * * * proposed to the Convention, has since been published by his enemies, with a view of destroying his popularity and influence."^a He then reprints a text of it, which differs only in two small particulars from Madison's (B)—the blank in the seventh article is simply closed up, which is doubtless a mere typographical error; and in the description of the impeachment court the reading is "Chief justice, or judge of the superior court of law," etc. I have not been able to discover Cobbett's source. It would have some interest, as the earliest printed text of Hamilton's plan, or of any of the plans submitted to the Convention, except Paterson's. Cobbett's, however, was printed during Hamilton's lifetime; and so was our eighth text, which is found in a pamphlet entitled "Propositions of Colonel Hamilton of New York, in the Convention for establishing a Constitutional Government for the United States," printed at Pittsfield, Mass., by Phineas Allen, in 1802.^b This differs in no respect from Porcupine's, save that in the phrase last cited the read-

^a P. 89.

^b There is a copy in the library of the New York Historical Society. I am greatly indebted to Mr. Robert H. Kelby, librarian of that society, for kindly furnishing me a transcript.

ing is "Chief judge or judge." It is impossible at present to say whether either of these, agreeing so closely with Madison's text, has any other source than his manuscript.

Whatever the probabilities in any of these individual cases of variation, it is perhaps sufficiently shown that in respect to Hamilton's suggested plan we have hardly more warrant than in the case of the Virginia or New Jersey resolutions or Pinckney's plan for declaring with confidence that any one of the variant texts represents exactly the original document which was brought before the Convention.

In the late Paul Ford's *Bibliography of the Constitution of the United States*^a mention is briefly made, against Hamilton's name, of a plan of government printed in the *Massachusetts Centinel* for June 23, 1787. The attribution is erroneous.^b The piece in question bears no signature or other indication of authorship. It is entitled simply "Scetch of a Federal Government." It is formed upon principles differing widely in several respects from those which Hamilton is known at that time to have entertained.^c It provides for a legislative assembly consisting of five members from each State, chosen annually, and having the power to levy excise duties as well as duties on imports and exports; if the amount thus raised were insufficient, resort should be had to requisitions. There was to be an executive council of one member from each State, chosen triennially, which should have a veto, superable by a two-thirds vote, upon the acts of this assembly. Appointments were to be made upon a triple nomination on the part of the executive council by a committee of one member of the assembly from each State. A council of revision, consisting of the Secretary of Foreign Affairs, the Secretary of War, the commissioners of the Treasury, and first judge of the admiralty, with appeal to a two-thirds vote of the assembly, was to exercise in the national interest a control over the legislation of the States. The States were to have no power to emit money of any kind.

All this is interesting, but not highly important; not as important, certainly, as (to cite a document of somewhat the

^a P. 48.

^b I wrote to Mr. Ford about this some years ago. He was unable to say with certainty from what source he had derived his attribution of the plan to Hamilton.

^c For a copy of the sketch I am indebted to my father, John Jameson, esq., of Boston.

same class) the body of suggestions found among the papers of Roger Sherman, and printed by Jeremiah Evarts in his sketch of Sherman in Sanderson's *Lives of the Signers*.^a It is, by the way, not at all impossible that this last document, to which Mr. Bancroft attaches so high an importance,^b may have been a portion of the Connecticut delegates' contribution to those consultations of the members of the small States, out of which, as we have already seen, the New Jersey resolutions originated. There is nothing in its provisions inconsistent with this theory; and the suggestion is fortified by the presence of blanks in the declaration, "That the eighth article of the confederation ought to be amended agreeably to the recommendation of Congress of the — day of —." For a document prepared at leisure by Sherman it would have been easy to hunt down the date, April 18, 1783, and insert it. For a paper prepared upon a sudden exigency and when he was remote from his own books, it might have been necessary to leave the date blank. The original of the paper seems to be no longer extant.

VIII. THE WILSON DRAFTS FOR THE COMMITTEE OF DETAIL.

The original manuscripts of the two papers which follow are found among the papers of James Wilson possessed by the Historical Society of Pennsylvania. They are wholly in his handwriting. For some consideration of their character, and of their relations to the Report of the Committee of Detail, see pages 126–130, *supra*. For copies of them the writer is indebted to Mr. John W. Jordan, librarian of the society. The first, which in the original has received its present shape through many interlineations and other alterations, is here printed for the first time, and at full length, so far as preserved. The portion now extant consists of two sheets, evidently the first and third of three. The second, which must have contained statements as to the powers of Congress, the organization and powers of the executive and judiciary, is missing. In the text which follows, under A, the origin of each clause is indicated by references, in square brackets, to the clause from which it was derived, directly or with modi-

^a II, 42–44.

^b Formation of the Constitution, II, 37.

fications. These references point, when it is possible, to the corresponding passages in the twenty-three resolutions of the convention referred to the committee, to the Paterson plan (text in eleven articles), and to the Pinckney plan as presented on pages 130, 131, *supra*—the three documents directly referred to the committee. In the case of provisions not found in any of these three, reference is made (by the word “Randolph” and the number of plate and clause in Mr. Meigs’s facsimile text) to the draft in Randolph’s handwriting which shows the earlier processes of the committee’s work; or to other sources when this gives no aid.

Of the second of Wilson’s drafts (B), it has been thought sufficient to print a statement of its divergences (which are few) from the text of the final report.

A.

We the People of the States of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia do ordain declare and establish the following Constitution for the Government of ourselves and of our Posterity. [Original.]

1.

The Stile of this Government shall be the “United People and States of America.” [Articles of Confederation, I.]

2.

The Government shall consist of supreme legislative, executive and judicial Powers. [Resolutions, I.]

3.

The legislative Power shall be vested in a Congress to consist of two separate and distinct Bodies of Men, a House of Representatives, and a Senate, each of which shall in all Cases have a Negative on the other. [Resolutions, II, and Pinckney.]

4.

The Members of the House of Representatives shall be chosen every second year by the People of the several States comprehended within this Union. The Qualifications of the Electors shall be prescribed by the Legislatures of the several States; but their Provisions concerning them may at any Time be altered and superseded by the Legislature of the United States. [Resolutions, III; Randolph, III, 11.]

Every Member of the House of Representatives shall be of the Age of twenty five Years at least; shall have been a Citizen in the United States

for at least three Years before his Election, and shall be, at the Time of his Election, a Resident of the State, in which he shall be chosen. [Resolutions, III; Randolph, II, 5.]

The House of Representatives shall, at its first Formation and until the Number of Citizens and Inhabitants shall be taken in the Manner hereinafter described, consist of 65 Members, of whom three shall be chosen in New-Hampshire, eight in Massachussets, &c. [Resolutions, VIII.]

As the Proportions of Numbers in the different States will alter from Time to Time; as some of the States may be hereafter divided; as others may be enlarged by Addition of Territory, or two or more States may be united; and as new States will be erected within the Limits of the United States; the Legislature shall, in each of those Cases, possess Authority to regulate the Number of Representatives by the Number of Inhabitants, according to the Provisions herein after made. [Resolutions, VIII.]

Direct Taxation shall always be in Proportion to Representation in the House of Representatives. [Resolutions, VIII.]

The Proportions of direct Taxation shall be regulated by the whole Number of white and other Free Citizens and Inhabitants of every &c. which Number shall, within six Years after the first Meeting of the Legislature, and within the Term of every ten Years afterwards, be taken in such Manner as the said Legislature shall direct. [Resolutions, IX.]

From the first Meeting of the Legislature until the Number of Citizens and Inhabitants shall be taken as aforesaid, direct Taxation shall be in Proportion to the Number of Representatives chosen in each State. [Resolutions, VIII.]

All Bills for raising or appropriating Money and for fixing the Salaries of the Officers of Government shall originate in the House of Representatives, and shall not be altered or amended by the Senate. No Money shall be drawn from the public Treasury but in Pursuance of Appropriations that shall originate in the House of Representatives. [Resolutions, X.]

The House of Representatives shall be the grand Inquest of the Nation; and all Impeachments shall be made by them. [Pinckney.]

Vacancies in the House of Representatives shall be supplied by Writs of Election from the Executive Authority of the State in the Representation from which they shall happen. [Randolph, III, 17.]

The House of Representatives shall chuse its own Speaker, and other Officers. [Pinckney.]

The Senate of the United States shall be chosen by the Legislatures of the several States; Each Legislature shall chuse two Members. Each Member shall have one Vote. [Resolutions, IV, XI, XXII.]

The Members of the Senate shall be chosen for six Years; provided that immediately after the first Election, they shall be divided by Lot into three Classes as nearly as may be, and numbered one, two and three. The Seats of the Members of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, of the third Class at the Expiration of the sixth Year, and so on continually, that a third Part of the Members of the Senate may be chosen every second Year. [Resolutions, IV.]

The Senate of the United States shall have Power to make Treaties, to send Ambassadors, and to appoint the Judges of the Supreme national Court. [Randolph, VI, 3.]

Every Member of the Senate shall be of the Age of thirty Years at least, shall have been a Citizen in the United States for at least four Years before his Election, and shall be, at the Time of his Election, a Resident of the State for which he shall be chosen. [Resolutions, IV; Randolph, III, 3.]

Each House of the Legislature shall possess the Right of originating Bills, except in the Cases before mentioned. [Resolutions, V.]

In each House a Majority of the Members shall constitute a Quorum to do Business; but a smaller Number may adjourn from Day to Day. [Randolph, III, 12; IV, 5.]

The Senate shall chuse its own President and other Officers. [Pinckney.]

Each House of the Legislature shall be the Judge of the Elections, Returns, and Qualifications of its own Members. [Original.]

The Times and Places and the Manner of holding the Elections of the Members of each House shall be prescribed by the Legislatures of each State; but their Provisions concerning them may, at any Time, be altered and superseded by the Legislature of the United States. [Randolph, II, 8; III, 2.]

The Legislature of the United States shall have Authority to establish such qualifications of the Members of each House with regard to Property as to the said Legislature shall seem proper and expedient. [Resolutions, XXIII.]

Each House shall have Authority to determine the Rules of its Proceedings [Pinckney], and to punish its own Members for disorderly Behaviour. [Randolph, III, 13; IV, 7.]

Each House may expel a Member, but not a second Time for the same Offence. [Randolph, III, 13; IV, 7.]

Neither House shall adjourn for more than three Days without the Consent of the other; nor with such Consent, to any other Place than that at which the two Houses are sitting. But this Regulation shall be applied to the Senate only in its legislative Capacity. [Pinckney.]

The Members of each House shall, in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at Congress, and in going to and returning from it. [Randolph, III, 14; IV, 8.]

The Members of each House shall be ineligible to and incapable of holding any Office under the Authority of the United States during the Time for which they shall be respectively elected: And the Members of the Senate shall be ineligible to and incapable of holding any such office for one Year afterwards. [Resolutions, III, IV.]

The enacting Stile of the Laws of the United States shall be "be it enacted and it is hereby enacted by the House of Representatives, and by the Senate of the United States in Congress assembled. [Original.]

The Members of each House shall receive a Compensation for their services, to be ascertained and paid by the State in which they shall be chosen. [Resolutions, III, IV.]

The House of Representatives and the Senate, when it shall be acting in a legislative Capacity, shall keep a Journal of its Proceedings, and shall from Time to Time publish them: And the Yeas and Nays of the Members of each House on any Question shall at the Desire of any Member, be entered on the Journal. [Original.]

Freedom of speech.^a

The

[The first sheet ends at this point; the second, as above explained, is missing; the third begins in the midst of a provision respecting the admission of new States.]

mitted on the same Terms with the original States: [Resolutions, XVII, or Paterson, 8.] But the Legislature may make Conditions with the new States concerning the public Debt which shall be then subsisting. [Randolph, VII, 5 b.]

The United States shall guaranty to each State a Republican Form of Government; and shall protect each State against foreign Invasions, and, on the Application of its Legislature, against domestic Violence. [Resolutions, XVIII; Randolph, VIII, 2:4.]

This Constitution ought to be amended whenever such Amendment shall become necessary [Resolutions, XIX]; and on the Application of the Legislatures of two thirds of the States in the Union, the Legislature of the United States shall call a Convention for that Purpose. [Randolph, VIII, 5.]

The Members of the Legislature, and the executive and judicial Officers of the United States and of the several States shall be bound by Oath to support this Constitution. [Resolutions, XX; Paterson, 6.]

Resolved, That the Constitution proposed by this Convention to the People of the United States for their Approbation be laid before the United States in Congress assembled for their Agreement and Recommendation, and be afterwards submitted to a Convention chosen in each State under the Recommendation of its Legislature, in order to receive the Ratification of each Convention. [Resolutions, XXI.]

Resolved, That the Ratification of the Conventions of States shall be sufficient for organizing this Constitution: That each assenting Convention shall notify its Assent and Ratification to the United States in Congress assembled: That the United States in Congress assembled, after receiving the Assent and Ratification of the Conventions of States shall appoint and publish a Day, as early as may be, and appoint a Place for commencing Proceedings under this Constitution: That after such Publication or (in Case it shall not be made) after the Expiration of Days from the Time when the Ratification of the Convention of the State shall have been notified to Congress the Legislatures of the several States shall elect Members of the Senate, and direct the Election of Members of the House of Representatives, and shall provide for their Support: That the Members of the Legislature shall meet at the Time and Place assigned by Congress or (if Congress shall have assigned no Time and Place) at such Time and Place as shall have been agreed on by the Majority

^a A marginal memorandum.

of the Members elected for each House, and shall as soon as may be after their Meeting chuse the President of the United States, and proceed to execute this Constitution. [Randolph, VIII, Addenda.]

Every Bill, which shall have passed the House of Representatives and the Senate, shall before it become a Law be presented to the Governour of the United States for his Revision; If, upon such Revision, he approve of it, he shall signify his Approbation by signing it; But, if, upon such revision, it shall appear to him improper for being passed into a Law, he shall return it, together with his Objection against it in Writing, to that House in which it shall have originated, who shall enter the Objection at large on their Journal, and proceed to reconsider the Bill. But if after such Reconsideration, two thirds of that House shall, notwithstanding the Objections of the Governour, agree to pass it; it shall together with his Objections, be sent to the other House, by which it shall likewise be considered; and, if approved by two thirds of the other House also, it shall be a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for or against the Bill shall be enlisted in the Journal of each House respectively. If any Bill shall not be returned by the Governour within Days after it shall have been presented to him, it shall be a Law, unless the Legislature, by their Adjournment, prevent its Return; in which Case it shall be returned on the first Day of the next Meeting of the Legislature. [Massachusetts Constitution of 1780, Ch. I, Sect. I, Art. II.]^a

In all Disputes and Controversies now subsisting, or that may hereafter subsist between two or more States, the Senate shall possess the following Powers. Whenever the Legislature, or the Executive Authority, or the lawful Agent of any State in Controversy with another shall by Memorial to the Senate, state the Matter in Question, and apply for a Hearing, Notice of such Memorial and Application shall be given by Order of the Senate to the Legislature or the Executive Authority of the other State in Controversy. The Senate shall also assign a Day for the Appearance of the Parties by their Agents before that House. The Agents shall be directed to appoint by joint Consent Commissioners or Judges to constitute a Court for hearing and determining the Matter in Question. But if the Agents cannot agree, the Senate shall name three Persons out of each of the several States, and from the List of such Persons each Party shall alternately strike out one until the Number shall be reduced to thirteen; and from that Number not less than seven, nor more than nine Names, as the Senate shall direct, shall, in their Presence, be drawn out by Lot; and the Persons, whose names shall be so drawn, or any five of them, shall be Commissioners or Judges to hear and finally determine the Controversy; provided a major Part of the Judges, who shall hear the Cause, agree in the Determination. If either Party shall neglect to attend at the Day assigned, without shewing sufficient Reasons for not attending, or, being present, shall refuse to strike, the Senate shall proceed to nominate three Persons out of each State, and the Secretary or Clerk of the Senate shall strike in Behalf of the Party absent or refusing. If any of the Parties shall

^a A Massachusetts man, Gorham, was a member of the Committee of Detail.

refuse to submit to the Authority of such Court, or shall not appear to prosecute or defend their Claim or Cause; the Court shall nevertheless proceed to pronounce Judgment. The Judgment shall be final and conclusive. The Proceedings shall be transmitted to the President of the Senate, and shall be lodged among the public Records for the security of the Parties concerned. Every Commissioner shall before he sit in Judgment, take an Oath, to be administered by one of the Judges of the Supreme or Superior Court of the State, where the Cause shall be tried, "well and truly to hear and determine the Matter in Question, according to the best of his Judgment, without Favour, Affection or Hope of Reward." [Articles of Confederation, IX.]^a

All Controversies concerning lands claimed under different Grants of two or more States, whose Jurisdictions, as they respect such Lands, shall have been decided or adjusted subsequent to such Grants, shall, on Application to the Senate, be finally determined, as near as may be, in the same Manner as is before prescribed for deciding Controversies between different States. [Articles of Confederation, IX.]

B.

The later and more finished of Wilson's two drafts differs so little from the report of the Committee of Detail that the easiest way to give a notion of its contents is to state *seriatim* the alterations which one would have to make in the latter document^b in order to reproduce, with almost verbal exactness, the text of the former. They are but eleven in number:

1. Article III of the report of the Committee of Detail, omit: "The Legislature shall meet on the first Monday in December every year."

2. Article IV, transpose section 7 and the last half of section 6.

3. Article V, section 1, omit: "Vacancies may be supplied by the Executive until the next meeting of the Legislature."

4. Article VII, section 1, after the twelfth clause, add: "and of Treason against the U. S. or any of them; Not to work Corruption of Blood or Forfeit, except during the Life of the Party; to regulate the Discipline of the Militia of the several States;"

5. Article VII, section 2, omit (except in so far as it is represented by the clauses just mentioned).

6. Article VII, section 3, omit: "except Indians not paying taxes."

^a For a suggestion as to the origin of this provision, see my *Essays in the Constitutional History of the United States*, pp. 44, 45.

^b As given in the *Documentary History*, III, 444-458.

7. After that section add: "From the first Meeting of the Legislature until the Number of Citizens and Inhabitants shall be taken as aforesaid, direct Taxation shall be in Proportion to the Number of Representatives chosen in each State."

8. Article X, section 2, ad fin., the reading is: "until another President of the United States be chosen, or until the President impeached or disabled be acquitted or his Disability be removed;" and in the preceding clause impeachment is mentioned.

9. After Article X, add: "All Commissions, Patents and Writs shall be in the Name of 'the United States of America.'"

10. Article XI, section 1, omit: "when necessary."

11. Article XIII, omit: "or make anything but specie a tender in payment of debts." The other clauses of Articles XII and XIII are present in the Wilson draft, but arranged in a different order and placed as one article (No. 10) immediately after that which prescribes the supremacy of the federal law, corresponding to Article VIII of the committee's report.

IX. MEMBERS WHO DID NOT SIGN.

Seventy-three delegates were elected to the Convention.^a Of these, 18 did not attend. Of the 55 who attended, the signatures of only 39 appear at the end of the document. Among the 16 whose names are not found there, Elbridge Gerry, Luther Martin,^b George Mason, and Edmund Randolph, it is familiar, refused to sign. The object of the present inquiry is to explain the absence of the other 12 names. This may not be entirely useless if it is still possible to say, as is said in one of the most elaborate accounts of the work of the Convention, that they all declined to affix their signatures.^c In reality, all 12 were absent when the instrument was signed; and there is evidence that 7 approved of it, and no evidence that any but 3 of the 12 opposed it.

^a The list which Secretary Adams published in the *Journal* of 1819, pp. 13-15, contains but 65 names. Mr. Paul Ford printed what is presumed to be a complete list (73 names; he says 74) in the *Collector* for September and October, 1888. This was reprinted as a separate pamphlet, Brooklyn, 1888; also in Draper's *Essay on the Autographic Collections of the Signers*, pp. 114-117; in *Wisconsin Historical Society Collections*, X; in Carson's *History of the Celebration of the Hundredth Anniversary of the Constitution*, I, 135 ss.; and in my *Dictionary of United States History*, p. 163.

^b Martin says that he left Philadelphia on September 4. Letter to the *Maryland Journal* in Ford, *Essays on the Constitution*, p. 341. "Landholder" (Ellsworth) says the same, *ibid.*, p. 186.

^c Thorpe, *Constitutional History of the United States*, I, 594.

The 12 members under consideration are Caleb Strong, of Massachusetts; Oliver Ellsworth, of Connecticut; Robert Yates and John Lansing, of New York; William C. Houston, of New Jersey; John Francis Mercer, of Maryland; George Wythe and James McClurg, of Virginia; Alexander Martin and William R. Davie, of North Carolina; and William Pierce and William Houstoun, of Georgia. We will take them up in the presumed order of their departure from the Convention.

Of Chancellor Wythe, Madison records in his notes under date of June 4 that he had already gone home.^a His letter of June 16, written from Williamsburg to Governor Randolph, shows that the cause of his retirement was the dangerous illness of his wife.^b A letter of July 16 to Beverley Randolph, the acting governor, shows that this cause, "the only one which could have moved me to retire from the Convention," continued urgent, and he explained that both these letters were intended to express his resignation.^c Mrs. Wythe's illness proved fatal.^d His course in the Virginia convention plainly evinces his approval of the Constitution.

Major Pierce left the Convention about July 1. In Madison's notes and those of Yates we find him speaking on June 29.^e From July 4 to August 1, and from August 27 to October 1, he was in attendance upon Congress at New York.^f Two letters of Hamilton show the latter adjusting a difficulty and preventing a duel between Pierce and a Mr. Auldjo, and another, New York, July 26, 1787, says: "He informs me that he is shortly to set out on a jaunt up the North River."^g Apart from Congressional duty the reasons for his absence do not appear. It was not for lack of appreciation of the honor of a seat in the Convention. His letter to St. George Tucker, written September 28, says:

You will probably be surprised at not finding my name affixed to it, and will no doubt be desirous of having a reason for it. Know, then, sir, that I was absent in New York on a piece of business so necessary that it

^a Documentary History, III, 54; Hunt, III, 81.

^b Calendar of the Emmet Collection, No. 9542. See also Randolph to Beverley Randolph, June 21, in Va. Cal. St. P., IV, 298.

^c Brotherhead, Centennial Book of the Signers, p. 257.

^d Madison, Letters, I, 339.

^e Documentary History, III, 244; Hunt, III, 320; Yates, p. 187; Elliot, I, 464.

^f Journals of Congress, IV, 750-765, 773-783; memoranda in a manuscript volume of his which I have seen. A letter of his to Gardolui, dated New York, September 3, 1787, is in the New Jersey Journal for November 28, 1787, and in Carey's American Museum, II, 583.

^g Works, ed. Hamilton, I, 437, 439; ed. Lodge, VIII, 176, 177, 178.

became unavoidable. I approve of its principles, and would have signed it with all my heart had I been present.^a

Lansing and Yates left the Convention on or soon after July 10.^b Elliot says July 5.^c But a comparison of the journal of the Convention with the sheets of yeas and nays shows New York casting a vote through July 10,^d and there is other though not conclusive evidence that Yates was present on July 9.^e The attitude of these two toward the Constitution is well known.

William C. Houston, of New Jersey, is not known to have been present after July 17, if then. He spoke then, if the indexer of the third volume of the Documentary History is right in attributing certain remarks made that day to him rather than to William Houstoun, of Georgia; as to this no evidence is known to the present writer.^f He is not stated to have spoken on any other occasion. Pierce, in his descriptions of the members, omits his name.^g Mr. Thorpe, perhaps on local New Jersey evidence, says that he withdrew on account of illness.^h

Doctor McClurg was present on July 20.ⁱ But on August 5 he writes to Madison from Richmond.^j In a later unprinted letter to Madison, written on October 31, he discusses the Constitution.^k Rives, probably on the basis of this letter, says that McClurg favored it.^l

William Houstoun, of Georgia, was present till July 24.^m

Davie does not appear in the proceedings after July 26.ⁿ On August 6 he writes to Iredell that he shall leave on Monday, which would mean August 13,^o and on August 23 he writes to Governor Caswell from Halifax, N. C., saying that

^a Georgia Gazette, March 20, 1788; American Historical Review, III, 314.

^b Bancroft, II, 75; Martin, in Elliot, I, 358.

^c I, 479.

^d Documentary History, I, 86, 250.

^e Appointment of Yates on a committee. Documentary History, I, 84, 299.

^f Documentary History, III, 358; Hunt, III, 455. Madison spells the two names the same.

^g American Historical Review, III, 327.

^h Constitutional History of the United States, I, 594.

ⁱ Documentary History, III, 389.

^j Bulletin of the Bureau of Rolls and Library, 4: 487.

^k Ibid.

^l Life of James Madison, II, 253.

^m Documentary History, III, 414. Internal evidence shows nearly all the remarks which Madison credits to "Mr. Houston" to have been made by a Georgia member.

ⁿ Documentary History, III, 434.

^o McRee, II, 168.

he had left Philadelphia on the 13th.^a In the North Carolina convention he showed his approval of the Constitution.

Strong was present on August 15.^b That he left Philadelphia before August 25 is apparent from the letter of Gorham printed above—No. 4 in Section II. Senator Lodge states that he was called home by illness in his family.^c In Parsons's notes we find him saying in the Massachusetts convention that "through sickness he was obliged to return home, but had he been there he should have signed" the Constitution.^d He voted for its ratification.

Mercer was present from August 6 to August 17.^e In the Maryland convention he voted against ratification of the Constitution.

Governor Martin, of North Carolina, was in Philadelphia as late as August 20, but expected to leave on September 1, having to attend the superior court in Salisbury in that month.^f He favored ratification.

Judge Ellsworth was present in the Convention on August 23.^g Jeremiah Evarts, in his sketch of the life of Roger Sherman, in Sanderson's *Lives of the Signers*, explains that, Sherman and Ellsworth both being judges of the superior court of Connecticut, Sherman had to be absent from the Convention at its beginning, Ellsworth at its end.^h Ellsworth visited President Stiles at New Haven on August 27, on his way home.ⁱ That he approved of the Constitution is evident from the letter which he and Sherman wrote to the governor from New London on September 26,^j and from his speeches in the Connecticut convention.

That Dickinson, though his name appears upon the document, was absent on the last day, has been shown in a preceding portion of these studies (p. 97).

^a North Carolina State Records, XX, 766. Pitkin says, II, 262, that he has been assured that Davie, Strong, and Ellsworth would have signed if they could have stayed to the end.

^b Documentary History, III, 535.

^c Mass. Hist. Soc. Proc., I, 296.

^d Debates of the Massachusetts Convention, ed. 1856, p. 316.

^e Documentary History, I, 112; III, 444, 555. Mr. Ford (Draper, p. 116) says that Mercer left on September 4.

^f North Carolina Records, XX, 763.

^g Documentary History, III, 602.

^h Signers, II, 44.

ⁱ Literary Diary of President Stiles, III, 279.

^j Carey's American Museum, II, 434, 435; Elliot, I, 491, 492.

X. THE ACTION OF THE STATES.

The following paragraphs show, for each State, the dates of the sessions of its legislature which intervened between September 17, 1787, when the Philadelphia Convention adjourned, and the date of the ratification of the Constitution by that State; also the official or formal materials—journals and debates—for a knowledge of the proceedings of those sessions.

New Hampshire.—Four sessions. The “Proceedings of the Honorable Senate” and the “Legislative Journals of the House of Representatives of the State of New Hampshire” were contemporaneously printed at Portsmouth. They have been reprinted in Volume XXI of the New Hampshire State Papers. The resolution for calling a convention was passed on December 14, 1787.

September 12–29, 1787. New Hampshire State Papers, XXI, 89–106 (S.); 109–143 (H. R.).

December 5–15, 1787. New Hampshire State Papers, XXI, 145–154 (S.); 155–169 (H. R.).

January 23 to February 13, 1788. New Hampshire State Papers, XXI, 171–194 (S.); 195–232 (H. R.).

June 4–18, 1788. New Hampshire State Papers. XXI, 261–286 (S.); 287–331 (H. R.).

Massachusetts.—One session, the second of the existing legislature, October 17 to November 24, 1787. Its journals exist only in manuscript, in the office of the secretary of the Commonwealth. The legislative proceedings of the General Court relative to the new Constitution are, however, printed in the Debates and Proceedings of the Convention of 1788, ed. 1856. The joint resolution for holding the convention was passed on October 25, 1787, and is printed in the Documentary History, II, 91–92.

Rhode Island.—Fifteen sessions, beginning respectively on October 29, 1787; February 25, March 31, May 7, June 9, October 27, December 29, 1788; March 9, May 6, June 8, September 15, October 12, October 28, 1789; January 11 and May 5, 1790. Their “Schedules,” or “Acts and Resolves,” resembling a journal in character, were printed contemporaneously. Extracts from them, embracing what is most important to the present purpose, are printed in the colonial records of Rhode Island, X, 262–379. The resolve for holding a convention was passed on January 17, 1790.

Connecticut.—One session, October 11 to November 1, 1787, of which there are no printed journals. The resolve for holding the convention was passed on October 16.

New York.—One session, January 1^a to March 22, 1788. The Journal of the Senate and the Journal of the Assembly of the State of New York were contemporaneously printed, but have not been reprinted. The resolution for holding a convention was passed on February 1, 1788.

New Jersey.—One session, October 23 to November 7, 1787. The Journal of the Council, Twelfth Session, First Sitting, and the Votes of the Twelfth Assembly, First Sitting, were contemporaneously printed at Trenton. The convention was called by virtue of a resolution of October 29, 1787,^b and an act of November 1, both of which will be found printed in the Documentary History of the Constitution, II, 61, 62.

Pennsylvania.—Two sessions. Third session of the eleventh assembly, September 4–29, 1787; first session of the twelfth assembly, October 22 to November 29, 1787. Their journals—e. g., Minutes of the First Session of the Twelfth General Assembly of the Commonwealth of Pennsylvania—were printed contemporaneously in Philadelphia. For debates, see Proceedings and Debates of the General Assembly of Pennsylvania, taken in shorthand by Thomas Lloyd, Philadelphia, 1787; Carey's American Museum, II, 362–366; and McMaster and Stone, Pennsylvania and the Federal Constitution, pp. 27–72. The resolution for calling a convention was passed, by well-known means, on September 29, 1787. An act for the members' compensation was passed on November 10.

Delaware. One session, which legally began on October 20, 1787 (but there was no quorum till October 25), and which ended November 10. The Minutes of the Council of the Delaware State from 1776 to 1792 were printed at Wilmington in 1888, as No. 6 of the Papers of the Historical Society of Delaware. The Votes and Proceedings of the House of Assembly of the Delaware State were (1787) printed at Wilmington. The resolution for calling a convention was passed November 10.

^a But there was no quorum in the Assembly till January 9, nor in the Senate till January 11.

^b Bancroft, Constitution, II, 252, says "on the 26th;" but the above date is given in the Doc. Hist., ubi sup., in the Minutes of the Convention and in the New Jersey Journal.

Maryland.—One session, November 5^a to December 17, 1787. The journals of the senate and house of delegates were printed in 1787. Of the debates, we have the speech of Luther Martin, first printed, from the notes of "a customer," in the *Maryland Gazette and Baltimore Advertiser*, December 28, 1787, to February 8, 1788; then in the *State Gazette of South Carolina*, and probably in other newspapers; then as a pamphlet. The Genuine Information delivered to the Legislature of the State of Maryland, relative to the Proceedings of the General Convention lately held at Philadelphia, by Luther Martin, Philadelphia, 1788 (Ford, 119); reprinted in Yates, *Secret Proceedings*, Albany, 1821, Washington, 1836, and the other editions; and in Elliot's *Debates*, first ed., Vol. IV; third ed., Vol. I. The vote for calling a convention passed the house on November 27, the senate on December 1.

Virginia.—One session, October 15, 1787, to January 8, 1788. The journals of the senate and house of delegates were printed contemporaneously, and also in 1828, at Richmond. The debate of October 25 is reported in Miss Rowland's *George Mason*, II, 190-191, from the *Pennsylvania Packet* of November 10. A resolution for calling a convention was passed by the house on October 25, 1787, amended by the senate, and finally passed on October 31. An act respecting the convention was passed on December 12. Hening, XII, 462.

North Carolina.—Three sessions. The journals of the senate and house of commons are to be found either in Vol. XX of the *State Records of North Carolina* or in contemporary print.

November 19-December 22, 1787. Journals (S., H. C.) in N. C. Rec., XX.

November 3-December 3, 1788. Journals (S.) N. C. Rec., XX; (H. C.) Edenton, 1788.

November 2-22, 1789. Journals (S., H. C.), Edenton, 1789.

The first convention was called by virtue of a resolution of December 6, 1787; the second, by one of November 17, 1788.

South Carolina.—One session, January 8 to February 29, 1788. The journals remain in manuscript in the office of the secretary of state at Columbia. Of the debates, we have: *Debates which arose in the House of Representatives of South Carolina on the Constitution framed for the United States by*

^a There was no quorum in the house till November 14, nor in the senate till November 22.

a Convention of Delegates assembled at Philadelphia; Charleston, collected by R. Haswell and published at the City Gazette Printing Office, No. 47 Bay, 1788 (Ford 152). This pamphlet was reprinted with additions in 1831 (Ford 153), and in the third ("second") edition of Elliot's Debates, IV, 253-317. The resolution for calling the convention was passed on January 19, 1788; the ordinance giving the members the usual privileges, etc., on February 29.

Georgia.—One session, July 3 to October 31, 1787. Another began on January 1, 1788, the day before ratification. The journals are in manuscript in the office of the secretary of state. The resolution for calling the convention was passed on October 26, 1787, and is printed in Documentary History, II, 83.

XI. JOURNALS AND DEBATES OF THE STATE CONVENTIONS.

The formal or official journal has not in all cases been printed, but the volumes of debates usually contain, as incidental to their main purpose, much of the material appropriate to a journal. In the case of the rarer publications I have referred by number to Mr. Ford's Bibliography, where fuller titles, and sometimes notes, may be found.

NEW HAMPSHIRE.

Journal.—Historical Magazine, XIII, 257-263.

New Hampshire State Papers, X, 1-22.

Debates.—(Fragments.) Elliot, Debates, third ed., II, 203-204.

Thomas C. Amory, The Military Services and Public Life of Maj. Gen. John Sullivan, pp. 230-231.

Joseph B. Walker, History of the New Hampshire Convention, pp. 112-116.

MASSACHUSETTS.

Journal.—In Debates, ed. 1856.

Debates.—Debates, Resolutions, and other Proceedings of the Convention of the Commonwealth of Massachusetts, Boston, 1788. (Ford, 122.)

American Museum, III, 343-362.

Debates, Resolutions, and other Proceedings, Boston, 1808. (Ford, 123.)

Elliot, Debates, first ed., I, 25-184.

Elliot, Debates, third ed., II, 1-202.

Debates and Proceedings in the Convention of the Commonwealth of Massachusetts, Boston, 1856. (Contains the material which was in the editions of 1788 and 1808, and also the official journal and the notes of Theophilus Parsons.)

Notes of Jeremy Belknap, in Mass. Hist. Soc. Proc., III, 296-304.

RHODE ISLAND.

Journal.—W. R. Staples, *Rhode Island in the Continental Congress*, pp. 640–674. (Contains also some notes of the debates; see explanation on p. 644.)

CONNECTICUT.

Debates.—(Fragments.) *American Museum*, III, 334–343 (Ellsworth); IV, 167–170.

Elliot, *Debates*, third ed., II, 185–202.

G. H. Hollister, *History of Connecticut*, II, 456–460 (Ellsworth).

Frank Moore, *American Eloquence*, I, 404–409 (Ellsworth)

NEW YORK.

Journal.—*Journal of the Convention of the State of New York*, Poughkeepsie, 1788. (Ford, 130.)

Debates.—*The Debates and Proceedings of the Convention of the State of New York*, New York, 1788. (Ford, 129.)

American Museum, IV, 172–173 (G. Livingston).

Elliot, *Debates*, first ed., I, 185–358; III, 1*–8* (the last a speech by Tredwell, never delivered).

Elliot, *Debates*, third ed., II, 205–413.

Hammond, *History of Political Parties*, I, 26–28 (G. Livingston).

Hamilton, *Works*, ed., J. C. Hamilton, II, 426–463 (Hamilton).

Moore, *American Eloquence*, I, 187–204 (Hamilton).

Johnston, *American Orations*, I, 39–52 (Hamilton).

NEW JERSEY.

Journal.—*Minutes of the Convention of the State of New Jersey*, Trenton, 1788. (Ford, 127; reprinted at Trenton in 1888 by C. L. Traver.)

PENNSYLVANIA.

Journal.—*Minutes of the Convention of the Commonwealth of Pennsylvania*, Philadelphia, 1787. (Ford, 141.)

Debates.—*The Substance of a Speech delivered by James Wilson, esq.*, Philadelphia, 1787. (Ford, 168.)

Debates of the Convention of the State of Pennsylvania, * * * taken accurately in shorthand by Thomas Lloyd, Philadelphia, 1788 (McKean, Wilson). (Ford, 140.)

Elliot, *Debates*, first ed., III, 221–322.

Elliot, *Debates*, third ed., II, 415–542.

Moore, *American Eloquence*, I, 74–82 (Wilson).

McMaster and Stone, *Pennsylvania and the Federal Constitution*, pp. 211–431 and (Wilson's notes) 765–785.

DELAWARE.

[Neither journal nor debates has, I believe, ever been published.]

MARYLAND.

Journal.—Documentary History of the Constitution, II, 97-122.

VIRGINIA.

Journal.—Journal of the Convention of Virginia, Richmond, 1827. (Ford, 159).

Debates.—Debates and other Proceedings of the Convention of Virginia, Petersburg, 1788, 1789, three volumes. (Ford, 157.) The notes for these volumes were taken in shorthand by David Robertson, of Petersburg. A note on the last page of this original edition, III, 228, tells us that "The Gentleman who took the foregoing Debates in Short-Hand, having had but an ineligible seat in the Gallery, a situation remote from the speakers, where he was frequently interrupted by the noise made by those who were constantly going out and coming in, is conscious that he must have lost some of the most beautiful periods and best observations of the different speakers; and is afraid that in some instances he may have misapprehended their meaning. * * * He further begs leave to add, that his having taken the Debates of the Convention of North Carolina, and the pressure of his other avocations disabled him from furnishing the Printers with so fair a copy as he would otherwise have done. He was only able to give him a rough transcription from the Short-Hand original," and could not read the proofs. Rives, II, 586, says that Madison's speeches were not revised by him and that he presumes none of the others were revised by their authors, unless Monroe's first speech.

Debates and other Proceedings of the Convention of Virginia, Richmond, 1805. For this second edition Robertson corrected his text and compared it in part with the original shorthand notes.

Elliot, *Debates*, first ed., Vol. II; third ed., Vol. III. (From the above.) When Elliot was preparing his first edition he offered Madison the chance to revise his speeches as given by Robertson; but Madison did not think it fair to the others when forty years had elapsed. See his letter of November, 1827. *Letters*, III, 598.

Moore, *American Eloquence*, I, 13-39 (Henry), 127-144 (Madison), 165-173 (Randolph), II, 10-20 (Marshall).

Johnston, *American Orations*, I, 53-71 (Madison).

NORTH CAROLINA.

Journals.—(First convention.) Journal of the Convention of North Carolina, Hillsborough, 1788.

(Second convention.) Journal of the Convention of the State of North Carolina, Edenton [1789]. (Ford, 135; reprinted in the *State Chronicle of Raleigh*, November 15, 1889.)

Debates.—(First convention.) Proceedings and Debates of the Convention of North Carolina, Edenton, 1789. (Ford, 137.) “A Mr. Robinson [Robertson] attended the convention as stenographer. The Federalists were desirous that the debates should be published. * * * At their instance Iredell and Davie assumed the responsibility and care of the publication. Neat copies were made in Edenton by Mr. Lorimer (an Englishman) from the notes of the reporter; and as far as practicable the speeches were submitted to their authors for correction. This enterprise involved Iredell and Davie in some pecuniary loss. * * * The debates were printed at Edenton by Hodge and Wills, and made their appearance about the last of June, 1789. One thousand copies were published.” McRee, *Life of Iredell*, II, 235.

Elliot, *Debates*, first ed., III, 17–220.

Elliot, *Debates*, third ed., IV, 1–252.

(Second convention.) Fragments in newspapers, according to Mr. Ford.

SOUTH CAROLINA.

Debates.—State Gazette, of South Carolina, May, 1788. (Pinckney's speech at the opening, May 14.)

American Museum, IV, 170–172 (two speeches), 256–263 (Charles Pinckney's speech of May 14).

Debates which arose in the House of Representatives [as above, pp. 163, 164]. Together with such notices of the Convention as could be procured. Charleston, A. E. Miller, 1831.

Elliot, *Debates*, third ed., IV., 318–341.

GEORGIA.

[Nothing of either journal or debates is known to have been printed, unless in some contemporary newspaper outside the State; the Georgia newspapers seem to have nothing of the sort.]

V.—A NEGLECTED POINT OF VIEW IN AMERICAN COLONIAL
HISTORY: THE COLONIES AS DEPENDENCIES
OF GREAT BRITAIN.

BY WILLIAM MACDONALD,
Professor of History in Brown University.

A NEGLECTED POINT OF VIEW IN AMERICAN COLONIAL HISTORY: THE COLONIES AS DEPENDENCIES OF GREAT BRITAIN.

By WILLIAM MACDONALD.

I suppose that one of the most important things in historical study is the determination of the point of view. Unless one is content to be merely an annalist, setting down in chronological order such facts as he may choose to deal with, the standpoint, conscious or unconscious, of the student or writer is pretty certain to influence in considerable measure not only his interpretation of the meaning of events, but also his perception and selection of events themselves. If the ransacking of the records of the past for partisan or controversial purposes no longer passes muster as history; if impartiality and comprehensiveness are now generally insisted upon alike in teacher and taught, it still remains true that history, in the sense of an orderly presentation of the past as nearly as possible as that past actually was, is likely to be influenced very much by the way in which the inquirer looks at the field he is studying, the point from which he surveys it.

It is a not unfounded complaint against the treatment of American colonial history that it has been, too often, local and antiquarian rather than broadly or genuinely historical. The activity of scholars in this field has, to be sure, been something prodigious. The publication of historical material, particularly in regard to the history of the English colonies, has gone on at a portentous rate, while the stream of monographs, good, bad, and indifferent, is constantly widening. Merely to keep decently well informed of what others are doing is in itself a heavy drain on the time of the student who is so unfortunate as to have any other duties in life.

Further, and as a natural result of zealous devotion to an attractive subject, we are coming to have a considerable volume of specialized treatment of the colonial period. We have studies of colonial government, of colonial slavery, of colonial tariffs, of colonial currency, of taxation and suffrage in colonial times. There are even intimations that other colonies besides Massachusetts had religious interests possibly worth attending to. Not many subdivisions of the field but have been somewhat dug into by those who, from choice or necessity, have set to work to write something about American colonial history.

What is true of the student and writer is true also, if not in so marked a degree, of the teacher. If my observation of the teaching of early American history in the better class of colleges and universities is correct, the teaching of the subject has grown immensely in content in the last ten or fifteen years. Voluminous as is the output of printed material, that material itself is increasingly used in the lecture room as well as the seminary. "Original research" is no longer merely a term to conjure with, but an instrument whose acquaintance is made by the student at a very early stage of his career. The feeling that American history is an "easy" subject is not, I think, quite so widespread as it once was. I doubt, indeed, if the subject is yet thought of by scholars in other departments as quite the equal in intellectual importance and dignity of most periods of European history, but this feeling, too, is, I think, noticeably giving place to a juster appreciation of what the study of American history really means.

What I want to do at this time, however, is not to pass any sweeping criticism on the study or teaching of American history in general or American colonial history in particular, but to call attention briefly to a point of view which, as it seems to me, has been quite too much and too long neglected. Notwithstanding the great activity in publication—perhaps, indeed, somewhat in consequence of it—American colonial history still has clinging to it a vast mass of localism and antiquarianism, burdening the subject with minute data of the slightest general interest, and obscuring if not obliterating the broader outlines of motive, influence, and development, the perception of whose significance can alone make the subject

historically interesting. The history of the colonies is too often treated, down to the time of the stamp act, substantially as Mr. Henry Cabot Lodge treats it in his "Short History"—two chapters to each colony, one on the course of events, one on social characteristics at the end of the period. That the colonies had anything in common before 1765; that they were anything but absolutely independent communities shot into the continent in 1606, 1620, 1663, and so on, and left to themselves until England discovered them about the time of the Seven Years' War, are matters which too often quite fail to appear. The suddenness with which the pre-Revolutionary agitation is made to flash upon the canvas, after a long and dreary period of colonial beginnings and petty happenings, and the lack of apparent preparation for the stirring events which follow each other in such rapid succession until the outbreak of war, are startling and disturbing to the student who has been taught to look for causes in history, or who has learned that in other periods or countries events do, on the whole, follow each other in somewhat of orderly succession. Very naturally, therefore, the colonial period, save where it is picturesque, is declared uninteresting, suitable for those investigators only whose equipment for historical research consists principally in a fair reading knowledge of English.

What we have, as it seems to me, been too much inclined to ignore is the fact that the American colonies were *colonies*. They were not independent States, but colonial dependencies of Great Britain. They were not neglected settlements in a remote New World, but valued and highly regarded parts of the British Empire. In isolating them from connection with the mother country, and centering attention primarily on the events which transpired on this side of the Atlantic, we lose sight of the all-important fact that the history of the colonies was largely determined by the attitude of England toward them, and that there was being worked out in this country, in the seventeenth and eighteenth centuries, one of the most interesting colonial policies of modern times. My plea, in other words, is for the study of American colonial history primarily as the history, in this part of the world, of English colonial policy.

study of charters, statutes, and official documents from the standpoints alike of the persons who created them and of those for whom they were made.

Certain special topics which have received considerable attention in recent years gain much in significance when viewed consistently, not as isolated occurrences in this colony or that, but as illustrations of the colonial policy of the mother country. There is, for example, no true appreciation of the nature or development of colonial slavery without constant attention to the primary agency of England in forcing the institution upon the American colonies. The long list of restrictive acts of assembly to which royal assent was refused is of itself sufficient to dissipate more than one of the high-sounding generalizations which have obscured this difficult but fascinating subject. I need not dwell particularly on the industrial and commercial development of the colonies, since the inseparable connection between that development and the acts of trade and acts relating to colonial manufactures is obvious. In all these matters it is the policy of the mother country, to be sought in the statutes, the charters, and the unbroken stream of official instructions, that wields the determining influence.

I am not without hope, further, that such study as I have urged might result before long in turning attention to the important subject of American law. In a generation which has attacked American history with vigor at almost every point, it is strange that the history of our law should have been so generally neglected. Perhaps the hasty and superficial methods of most of our law schools must bear a part of the blame. In the history of our legal institutions is to be found, I believe, one of the richest fields yet awaiting the investigator. But only the comparative method, based on the recognition of the supremacy of England, will reap the harvest. That provision of the charters authorizing the making of "laws not repugnant to the laws of England," is the starting point of historical inquiry. How the common law was understood and applied, how far English statute law was availed of, the modifications introduced by acts of assemblies, the place of the courts in the scheme of colonial government, the influence of the judiciary on public opinion—all these are questions on

which we must have much more light before the history of colonial America can be truly written. And I suspect that it will be found that the political as well as the legal institutions of the colonies bear many marks, as yet only darkly discerned, of the molding influence of English administration and law.

I need do no more than refer, in passing, to the advantage which is to be found, in teaching the history of the colonial period, in laying events in America alongside of events in England and observing the connection. No writer, as it seems to me, has yet sufficiently shown how much essential correspondence there is between the two. From the establishment of Virginia in 1606 to the Declaration of Independence one hundred and seventy years later, there is hardly any important political movement in England that is not with more or less clearness reflected in America. The rise and decline of Puritanism, the civil war and the Cromwellian régime, the Restoration, the revolution of 1688, and the long series of wars down to the peace of Paris in 1763, all exercised distinct influence on the course of colonial affairs. I am aware that such comparative treatment is, happily, not uncommon, but I can but think that it is as yet not half common enough. There is no need to distort events, to assume meanings and correspondences where there are none, or to ignore what is unique or characteristic in the colonies themselves. All that is urged is due attention to such parallelisms as are unmistakable.

Finally, it seems to me that a clearer recognition of the colonial status as the primary fact in American history down to 1776 means a gain, not alone in truth and continuity, but also in dignity and proportion. So long as we treat American history essentially as a thing apart, as a subject which not only can be isolated but ought to be isolated, we not only tend to lose sight of such connection with other history as there is, but we tend also to emphasize the wrong things and urge the study of the subject on insufficient grounds. What is needed, I think, is to bring American history into closer connection with other history, to show more fully wherein we have been affected by what has gone on in other parts of the world. No nation, I suppose, has ever cared less about history or shown less disposition to profit by the experience of others than our

own; but that is no reason why the facts of our origin and our large indebtedness to others for ideas should not be exhibited as they were. Now that we are ourselves embarked on some perilous colonial experiments there would seem to be additional reason for examining the way in which we were dealt with when we ourselves were only colonies. There is, I think, the possibility of large fruitfulness in such an inquiry. But I do not urge this neglected point of view merely because it is interesting or pertinent, but rather because it seems to me to be the point from which we can best understand our past, best see American colonial history in its relations, best explain the origin and early growth of what we have ourselves become.

VI.—THE FRENCH PARLIAMENTS.

By JAMES BRECK PERKINS, LL. D.

THE FRENCH PARLIAMENTS.

By JAMES BRECK PERKINS, LL. D.

The French Parliaments bore little resemblance to their more famous namesake. In the English Parliament they talked politics, and in the French Parliament they talked law.

The French and English courts differed not only in name, but in substance. To us it seems a fundamental requirement that the man who performs the duties of a judge should have prepared himself alike by the study and by the practice of the law which he is to interpret. The selection of one for judge who has not taken prominent position as a practitioner is regarded as somewhat of a scandal. In England it is almost unknown; even in this country most judges have at least attained respectable standing at the bar. But the members of the French Parliaments, like their successors of to-day, ordinarily became judges without experience as practitioners. Not only so, but in the fatal development of governmental finance under the Bourbons judicial office became a matter of purchase, and in due time was property that could be sold, devised, or inherited. The son succeeded the father, not uniformly, but not infrequently; a judicial body became an aristocratic body, whose ranks were filled for the most part from families which became known as parliamentary families. The English bar, like the Catholic Church, has furnished an opening for talent of every social class, but the first president of the Parliament of Paris was no more likely to come from a family of peasants or artisans than the Venetian Doge.

There is not time to discuss the judicial character of the French courts, nor the system of laws they administered. I wish to say something of a political anomaly which I think is

not paralleled in the history of any other country; the political power exercised by the Parliament of Paris and the long and unsuccessful effort of that court to increase this power.

Lawyers have been lawmakers in every land, and of judge-made law there is a great volume. It is hard to overestimate the influence of our Supreme Court on the political development of this country through the interpretation given by it to our Federal Constitution. But this influence has been exercised, as in the English courts, by judges acting as interpreters of the law. The position assumed by the Parliament of Paris was very different. There was indeed no opportunity for the interpretation of constitutional law in that country. France possessed neither a written constitution like the United States nor an unwritten constitution like that of England which could be the subject of judicial interpretation.

The practice on which the French courts sought to raise a stately fabric of legislative power grew up accidentally. The power of lawmaking was in the monarch, but to secure publicity for his decrees, that knowledge of them might be conveyed to the public at a time when newspapers did not exist, by the fifteenth century it was a recognized usage that these should be registered in the Parliaments. Registration was required in each of the numerous Parliaments, but here, as so often in French history, political agitation was confined to the capital, and the struggles of the judiciary for power were carried on by the Parliament of Paris. This right was only a formal right, but it was also the usage that the court to which an edict was sent for registration, if it disapproved the tenor of the proposed law, might present its protest to the monarch. In the meantime the registration was postponed that the monarch might reconsider his decision, and by a natural process the court soon attempted to adjourn the registration indefinitely and thus have its protest grow into a veto. If the monarch declined to follow the advice of the court, the judges still sought to defeat the obnoxious law by refusing to register it. Such a development was natural. The body whose action is needed is sure to claim a discretion as to its exercise. The Pope, whose consecration was required that the King of the Romans might become Emperor of the Holy Roman Empire, soon asserted the right to examine whether the candidate was worthy of the office. In like manner the court, whose regis-

tration was required for the validity of an edict, naturally sought to make the registration something more than a formality. So far as the right of protest was concerned, this was not contested by the King. But a graver question was presented when the court refused to register an edict. If this right had become recognized, the Parliament of Paris would have possessed an absolute veto on legislation, and have exercised a power hardly inferior to that of the English Parliament.

But another usage, the validity of which no one questioned, rendered the necessity for registration of small importance. When an edict was presented to the court, it could refuse registration and prepare remonstrances. But if the King saw fit to hold a bed of justice—in other words, if he attended the Parliament in person and there directed the registration of the edict—remonstrance must cease; the will of the monarch could not be disputed in the monarch's presence, and the Parliament proceeded to register the edict "by the express order of the King." Whether the registration was made voluntarily or was compelled by the monarch's presence made no difference as to the validity of the edict.

It is from conflicting institutions that constitutional principles are developed by the slow processes of national growth. The right of the King to compel registration by his personal attendance might in time have become obsolete, and the authority of the Parliament would then have been supreme.

The English King in like manner had, and still has, the right to veto any bill passed by the English Parliament. But in the conflict between monarch and Parliament the representatives of the people became the stronger party. The exercise by the English King of his constitutional right to veto legislation would now be deemed in the highest degree unconstitutional, and if persisted in would lead to revolution.

The progress of constitutional development in France was just the reverse. The Parliament of Paris sought to increase its authority—to obtain a position where the King's right to enforce registration, even though it might exist nominally, should not be enforced practically. During two centuries the struggle went on, and the end of that period found the contestants where they were at the beginning. The authority of the Parliament was considerable under a weak king and very little under a strong king. When the court represented any

strong public feeling it exercised a certain restraint on royal authority, but this was never long continued. The struggle of the Parliament of Paris for political power was, on the whole, a record of failure.

We can trace the political authority of the Parliament rising and falling in inverse ratio to the power of the King. In the disturbed times of the League there were many opportunities for the court to exercise an increased authority, but it is questionable whether its action was marked by wisdom. It was then, as always, intensely Catholic in its sympathies. It was closely allied with the Guises, and its distrust of Henry of Navarre was not altogether overcome by his abjuration. The Edict of Nantes was distasteful to the judges, because it was tolerant and they were bigoted, and they were loath to order its registration. Henry remonstrated with that easy familiarity that made his rule popular, though no French king ever exercised a more absolute authority.

He directed the judges to appear before him at the Louvre. "You see me in my cabinet and I shall talk with you, not in royal robes, like my predecessors, but as the father of a family in his dressing gown talks with his children." But if he spoke familiarly he spoke with decision. "You owe me obedience. Do not cause me the annoyance of having to attend the Parliament. I speak as your King, and I must be obeyed."

The judges were reluctant to grant any measure of toleration. Even the provincial Parliaments remonstrated against granting any rights to Protestants, but they remonstrated in vain. Eighty-six years later the revocation of the Edict of Nantes was registered by the successors of these judges without a word of protest from any member of the courts.

The iron hand of Richelieu repressed any assertion of independence in the parliaments as in every branch of French life. The Cardinal was determined to exercise his power, and of any public sentiment which could sustain the resistance of the courts there were only scanty traces in the times of Richelieu. The Parliament remonstrated in vain against many of the cardinal's favorite measures. They were even unwilling to register the famous edict for the creation of the French academy, a curious instance of how perversely wrongheaded the French judges often became when they got outside of their proper offi-

cial duties. Richelieu made short work of such opposition, and he so limited even the right of remonstrance that before he died the Parliament of Paris took practically no part in the political action of the State. The King, who spoke as the Cardinal bade him, treated his judges with scant respect. "You were established only to judge between Peter and John," he said to them, "I will send you back to your duty. I will cut your nails close."

But the qualities of the French judiciary which disqualified them from a successful exercise of political authority adapted them to maintain an endless struggle to obtain it. Few political bodies have been so often crushed, and have risen again, after years of inaction, to take up the contest where it had been left.

The desire to exercise power in the state was bequeathed, not from bleeding, but from stubborn sire to son. Under Richelieu the courts were severely suppressed. Under his successor, Mazarin, they were for a while the principal authority in the State. Mazarin was sagacious in foreign politics, but a tyro in domestic politics. He knew little of French institutions, he excited hostility as a foreigner, and he showed little firmness as a ruler. The Parliament of Paris was at once called upon to set aside the will of Louis XIII, an office it performed after the demise of many French sovereigns. It is curious that in a people where reverence for a living king was so great, respect for the wishes of a dead king was so lacking. Under Mazarin there was an opportunity for the manifestation of parliamentary independence. The King was a child 5 years old, the regent was a foreigner and a woman of small ability. The prime minister was a man of large ability, but he was also a foreigner and exceedingly unpopular. In the troubles that resulted in the war of the Fronde the judges of the Parliament of Paris were for a while the leaders of the people.

But the Fronde was a useless movement. It began without definite purpose, and it accomplished no useful end. The unfitness of the Parliament for political rule was shown when, for a brief period, it was vested with large authority. The judges reasoned and debated, they cited precedents and reproved violence, but they were no more fit to direct a popular insurrection than a body of Quakers to act as marshals of

Napoleon. The Fronde soon drifted from their control and ended in the failure to which it was predestined.

In the long reign of Louis XIV all semblance of independence in the courts was rooted out. The possibility of insubordination was of all things the most odious to Louis XIV. The unruly conduct of the Parliament during his youth left its permanent trace upon the King's dull, yet tenacious, mind, and he dealt with the court with the resolution of Henry IV and without his affability.

Early in his reign the young King peremptorily bade the Parliament to attend to its own concerns and refrain from the discussion of political questions. It was at this interview that one of the judges referred to the interests of the State, and Louis is supposed to have replied in the memorable words: "I am the State." He did not utter them, though undoubtedly he would have done so if he had thought of it. The trouble with these famous remarks attributed to great men is that they are not thought of by the right man at the right time.

What disturbed the judges most at this famous interview were not the King's words but the King's clothes. He entered a body where decorum and propriety of dress were regarded as of vast importance. Louis was arrayed in the clothes in which he had been hunting. He had on a red coat, with a gray plumed hat, spurs on his riding boots, and a sword by his side. It is doubtful if any assertion of royal authority would have disquieted these judicial functionaries so much as the sight of the sovereign addressing them in riding boots. It was indeed an unusual spectacle to be presented by the most decorous of kings to the most decorous of courts.

Even the right of remonstrance was practically abolished under Louis XIV. In 1675 an edict declared that while remonstrances might still be presented under certain restrictions, the court must register first and remonstrate afterwards. But no remonstrances came from the submissive judges of the great King. For more than fifty years they confined themselves to their judicial duties. Their ancient freedom of complaint was practically if not formally extinct. No court ventured to delay in registering the edicts of Louis XIV or to suggest that they were not framed in absolute wisdom.

The King received from his judges the same unquestioning obedience and the same unwearied adulation that was proffered him by all his subjects.

But if the flame of liberty rarely burned brightly in the French Parliament, it could smolder indefinitely. No sooner was the great king dead than the Duke of Orleans sought from the Parliament of Paris the assistance which it was only too ready to grant. The body which had not dared to utter the mildest remonstrance when Louis XIV was alive at once proceeded to set aside his will when he was dead, and invested Orleans with the authority which the King had sought to restrict. As a reward for their assistance the ancient right of remonstrance was again restored to the courts, freed from the restrictions by which Louis XIV had rendered it of no avail.

Another thing was of more importance than any change in procedure. The immense personal authority which Louis XIV had exercised was not possessed by his indolent and inefficient successor. The formulas of an absolute monarchy prevailed, but there was no longer the firm hand which enforced their observance. The subservience which the Parliament had shown during the long reign of Louis XIV was succeeded by interminable squabbling during the long reign of Louis XV. The indolence of the King and the incompetence of many of his ministers allowed the Parliament at times to exercise considerable legislative authority. It passed numerous edicts in reference to the struggle between Gallians and those who accepted the bull *Unigenitus*, for the regulation of religious questions, curiously enough, was regarded as within the special province of the courts. Later in the reign the judges had an opportunity to wreak vengeance upon enemies against whom for two hundred years they had cherished animosity. The overthrow of the Jesuit order in France was carried through by the Parliament of Paris, acting as if it had been a regular legislative body. It seized the opportunity of a lawsuit brought against the Society of Jesus to recover a sum of money, and decreed the extinction of the order, the expulsion of its members, and the sale of its property. Doubtless such an exercise of authority could have been checked by the King, but when the Government

did not see fit to interfere, the Parliament regulated matters foreign to any jurisdiction that has ever been assumed by an English-speaking court.

But the authority with which the King did not interfere when he was indifferent was rudely checked when the Government felt so inclined. The judges were arrested; they were sent in exile to the provinces, and a long stay in the country was regarded by a Parisian judge as a punishment almost as rigorous as exile to Siberia for a Russian. In retaliation for such action the courts refused to hear litigants, and temporary inability to obtain justice of any kind was not uncommon in French history. Litigants complained, the King reproved, the advocates starved until some compromise was reached, and the judges again began the labors to perform which was their only proper vocation. So the struggle went on, but at the end of all this bickering little had been accomplished.

As the century advanced the utterances of the court were influenced by the feeling of unrest which began to pervade French thought and society. The Parliaments, so the judges declared in 1651, had a right to modify a royal decree before they registered it, and if the King would not accept such changes, then the decree was not obligatory. Ten years later their language was still bolder. The administration of the state, so they declared in a celebrated protest, was based upon the laws, and these could be of no validity without a free registration preceded by full examination. Louis answered such remonstrances in the language that had been used for two centuries. "Submission is the duty of my subjects," he said, "and it is for my Parliament first of all to respect this fundamental law of my Kingdom. When I permit them to submit remonstrances I do not give them the power to change or nullify my decrees."

At last, toward the end of his reign, the King, under the advice of a vigorous minister, sought to rid himself of the turbulence of the parliaments by abolishing them and instituting new courts in their stead. On the whole, the new courts were organized on a better plan, and had they been allowed to exist they would probably have dispensed justice more satisfactorily than their predecessors. But to a large extent the parliaments had a hold on the public affections. They were part of the ancient monarchy. They had frequently defended what were

believed to be public rights. What was quite as important, they were usually in sympathy with public prejudice. Louis XVI had not long been on the throne when the new courts were abolished and the old ones restored. The Parliament of Paris resumed its ancient duties, and, like the monarchy it served, it learned nothing and forgot nothing during a few years of political nonexistence. In the years that preceded the Revolution there was an opportunity for the Parliament to render great service to the State; it was tried and found wanting, and its long existence came to an inglorious end. When Louis XVI was ready to grant substantial reforms the court was as strenuous in opposition as in the times of Richelieu and Mazarin. The financial measures of Turgot, the abolition of forced labor on the highways, even the practice of vaccination met with opposition from judges who were wedded to privilege and bound fast in prejudice. The courts had drifted beyond their bearings, even in the mild turmoil of the Fronde, and a political movement was beginning, compared with which the Fronde was as the purling of a brook to the turmoil of a whirlpool. The courts were still tenacious for the personal privileges and petty distinctions that were swept away in a single session of the National Assembly, and were no more fitted to act as a legislative body in times of commotion in 1789 than in 1589.

There is always a sufficient reason for political failure. There was indeed a certain grotesqueness in assuming a political rôle by bodies constituted as were the French courts. Even the English courts would have been better adapted for such work, because they were made up of men who had taken part in the active work of the community, who always had experience at the bar, and often had experience in Parliament.

Yet the English do not regard lawyers as specially valuable members of their legislative bodies. Certainly in the long line of famous English statesmen the number of lawyers is small. In this country, perhaps because we have no class whose members can give a lifetime to political work like the Pitts and Peels and Gladstones, lawyers have framed the larger part of our legislation. But the French judges, for the most part, had never been anything but judges; they were born and bred to these positions. The edicts which excited their opposition were generally financial edicts. When the Parliament dared

to speak its mind at all it expressed opposition to nearly every law for new taxation, and perhaps to this fact it owed its popularity in the community. But a state can not be run without money. Political wisdom does not consist in chronic opposition, and the kings were obliged to override the opposition of the Parliament because it was frequently so unreasonable. The French financial system was bad, the extravagance of the French Government was often great, but, after all, money had to be raised, and the Parliament had neither the right nor the capacity to offer any alternative to the legislation to which it objected. It sought to impose an inelastic veto which the kings were obliged to override by the exercise of their authority.

The judges had the prejudice, the love of routine, the fear of innovation, which are often bred by legal study, without the familiarity with business and practical life which come from legal practice. The new school of political thought filled them with dismay. Long is the list of books which influenced thought in the latter half of the century, for which the Parliament could find no use except to forbid their sale and direct the hangman to burn all he found. The index expurgatorius of the Parliament of Paris for many years could challenge comparison with the index at Rome.

The National Assembly made short work of these repositories of learning and ancient prejudice. Their abolition was urged, and someone objected that the courts were in vacation. "Let them remain so," said Mirabeau, "they will pass unperceived from sleep to death." Such was their fate; they were smothered in their sleep and so passed out of existence.

VII —THE ART OF WEAVING: A HANDMAID OF CIVILIZATION.

By WILLIAM B. WEEDEN.

THE ART OF WEAVING: A HANDMAID OF CIVILIZATION.

By WM. B. WEEDEN.

It is not proposed to give a history of weaving, limited by time and place. History is in itself a scroll of evolution. If we can trace one of the arts, not in the sequence of time, but by steps of development, we shall have a record of that mystic movement of mankind in accord with circumstance, which in a large way is called civilization. This view of the subject carries us far beyond written or monumental records into the dawning light of prehistoric time. Yet these technical divisions can not stand in the interpretation of substantial evolution. Even now, or within a generation, processes of weaving practiced in old Egypt, or which clothed the pre-Columbian man, are or were commonly used in Africa and in the far-off isles of the Pacific. The Aryan races wove comfortable garments of wool and flax when they were forging metals into spears and swords. "The textile art dates back to the very inception of culture, and its practice is next to universal among living peoples." ^a

Weaving does not depend on threads or spun filament. It began by interlacing rushes, stems, split canes and vines, elm bark, palm, and other fibers. It is customary among archaeologists to classify prehistoric weaving into (1) wattle work; (2) basketry; (3) matting; (4) pliable fabrics or cloths.^b Wattling was very primitive, serving in the early fish weirs and in other stiff and heavy textures. Plain "twined-weaving"^c is considered to be a refined sort of wattling. Nothing textile was more important to the American aborigines, and by inference to all prehistoric barbarians, than basketry. Any

^a Holmes, 13th An. Smithsonian Rep. Bureau Ethnology, p. 10.

^b Ibid., p. 13, and Mason, Am. Anthropologist, Jan., 1901, p. 109.

^c Willoughby, Am. Anthropologist, 1901, p. 201.

fibers of wool or of flax, and make a continuous thread of his own?

The Greeks took over Egyptian culture, and they sufficiently symbolize the dignity of spinning. Pallas was the especial patroness of all the arts connected with it. Spinning embodied some of the deepest and most mystic relations of man and nature, for the fates spun the thread of man's destiny, even as woman drew out the filaments of his garment.

The distaff in the left hand carried the carded fibers. The spindle—a stick about a foot long, cleft at top, with whorl at bottom—dropped to the right hand. The graceful Grecian lady drew out the thread, twisting it with thumb and finger; then she detached it from the cleft and wound it on the spindle. Our automatic mules of to-day accomplish results similar to those reached by the Grecian and Egyptian spinners. We can trace^a more rudimentary processes, for the Indians of New York and Pennsylvania, having no distaff, rolled the fibers of wild hemp on their naked thighs. The Cherokees had gone one step further, for they hackled the hemp, and the old women spun it with a distaff.

The upright loom of the Egyptians and Greeks was much more developed than the early forms of primitive weaving. At first the warp was pegged out on the ground, while a rope around the sitting weaver kept the tension, or sometimes there was a roller beam before him. Icelanders,^b East Indians,^c the Ainos of Yezzo,^d the Japanese,^e the Solomon Islanders^f weave to-day, or wove recently, in this simple manner. The Indian often digs a hole in the ground to accommodate his legs.

This simple process of weaving brought in the use of a loom as civilization advanced. A fine example of the loom—early in development, if not in time—was brought by Du Chaillu^g from the African Ashango Land in 1867. The Ishogo people were famed for their *bongos*, woven from the delicate and firm cuticle of palm leaflets, skillfully stripped and divided by hand. The men made needles and stitched the *bongos* into robes, elegant in design, the threads being dyed for stripes

^a Holmes, 13th An. Rep. Bur. Ethnology, p. 23.

^b Burton, Iceland, I, 198, and compare Smith, D. Antiquities Tela.

^c Birdwood, Indian Arts, II, 70.

^d Smithsonian Rep. on Nat. Museum, 1890, p. 463.

^e Oriental Arts, Japan, Audesley, I, Sec. III, 5.

^f Marsden, Cotton Weaving, p. 46.

^g Ashango Land, pp. 290, 291.

and checks. There were four or five looms in a house or rudimentary factory, where the weavers sat at the work, smoking and chatting cheerily, throwing the shuttle with the right hand and holding two "rods" in the left.

This utensil has been well-nigh universal. The Caribs, Brazilians, Samoans, New Caledonians, Javans, Japanese, East Indians, Mandingoes, and other Africans are recorded^a as using it, and the Aryans must have passed through this stage of weaving on their way to the processes established by the Egyptians and Greeks.

Complex machines have not made fabrics more perfect. The finest textiles known were made by hand. Of these were the rare muslins of ancient Dacca. One, when wet on the grass, was invisible, hence *Shabnam*, "the dew of evening." Another, *ab rawan*, or "running water," could not be seen when immersed in water.

Weaving is and was the interlacing of threads by crossing a woof, weft, or filling through a warp stretching lengthwise. The present definition divides it into six branches, namely, plain texture, tweeling or twilling, double cloth, spotting, flushing, and crossed warps. "All the diversity of which these fundamental branches are susceptible arises from the mode in which the threads of warp are separated or the sheds opened to receive the woof."^b When the shuttle is thrown across, the threads must be opened and partly lifted in a shed to receive the thread of woof. In the plain texture this process was simple and lifted every other thread. In twilling and other variations groups of threads were raised and the woof was shot under. It is presumed that the upright warp was made horizontal in order that the warp threads might be lifted, in looped hangers or leashes, i. e., "lese," the antecedents of heddles in the modern heald or harness, and this was done footwise or by treadles.

This change was slowly effected, for we have seen that Burton found the Icelanders using the upright warp within a generation. The parcels of warp were weighted with stones. The mythic Scandanavian legends represent the loom of the "Fatal Sisters" as weighted by warrior's skulls. On the other hand, Adair showed in the eighteenth century an "inter-

^a Spencer, *Sociology*, Div. I, part 2, pp. 44; part 4, a, Table lvi, lviii, pp. 55, 56, 57, 58.

^b Murphy, *Art of Weaving*, p. 1.

mediate sort of weaving," which indicates a very early stage of development among the Cherokee Indians. "They throw the woof with a shuttle, and they have a couple of threddles which they move with the hand, something after our manner of weaving."^a

In all weaving there are two vital movements of the woof; the shooting across of the shuttle and the driving home by the modern lay, which makes the fabric firm and strong. The early Egyptian or Icelfander inserted rods in the warp and drove home the woof with a *spatha* or broad wooden sword. The *spatha* or batten was superseded by a comb, which grouped the threads of warp and preceded the modern reed.^b The reed—a fixed comb—now drives in the woof threads by the blow of the lay in all looms. We can easily imagine the process—manipulated in ancient times, now rendered automatic by the loom—namely, a partial lift of the warp threads by treadle and harness, a shuttle shooting across, a lay and reed beating the woof into close texture. Good texts are only good weaving. The arts of design were made possible by these mutations of the threads. Stripes, plaids, spots, tints of verdure, and ultimately the human face were portrayed in shifting colors.

The Ishogo weaver moved his rod or batten with the left hand; the Icelfander at the same time and the Greek some eighteen centuries earlier beat either upward or downward with the *spatha* or wooden sword. Similar operations may be traced as civilization went north and westward through Europe. The Vikings had an ancient loom from the Faroes, upright, with the warp weighted below.^c There were 2 rods and the shed opened above them. The Irish had spinning and weaving in all the homes of the peasantry.^d After the warp was laid horizontal, and the shed was sprung with treadles, the rod, having been developed into a comb or reed, was fitted into a swing frame called the lay. Probably this frame somewhat facilitated the thrust of the shuttle. But the mediæval loom improved very slowly. The hand loom of the seventeenth and eighteenth centuries was brought to New

^a Holmes, 13th An. Rep. Bureau Ethnology, p. 24.

^b Marsden, Cotton Weaving, pp. 28, 33, 34, and Smith, D. A. Tela.

^c Viking Age, Du Chaillu, II, 367.

^d O'Curry, Ancient Irish, I, ccclix.

England by the English and to the southern colonies by the Spaniards.

An exceedingly interesting bit of weaving is brought over by Stubel,^a and others from the progressive industries of Arica, Peru. Historically it is pre-Columbian, and in evolution it ranks with that certain development of the hand loom we have shown in many places as civilization advanced. The pocket-wallet and sabretasche have been important in wearing apparel. The original of this pocket was 22 centimeters long and 24.5 wide. Wholly of wool, the woof is of dark red and the warp carries five colors—red, white, black, violet, and brown. Two layers of warp or double cloth weaving give much effect to the varied colors of the woof. The simple basket weaving of the upper layer appears richer by a contrast with the woof colors. The pattern is very complicated to the eye, and must have been harmonious in color, while the mechanical weaving is not difficult. This example is a type of the weaver's efforts, as the time demanded richer and more æsthetic effects in various fabrics. There are fine specimens of early Peruvian fabrics at the Peabody Museum and in the Museum of Natural History at New York. Some poncho shirts or tunics of vicuna wool in the warp and twisted cotton threads in the woof are admirable fabrics. The threads are fine and evenly spun. The designs are very ingenious and spirited. Rude forms of birds and the human figure are clearly portrayed.

We have seen that Iceland kept its ancient oriental utensils. Yet more remarkable was the survival of the unfit mediæval loom in a district of South Wales. It was used there in 1890 by descendants of the Flemings imported into England by Edward III.^b

There was no substantial improvement in this necessary process of manufacture until the eighteenth century had started mankind into new life. Kay added a shuttle box and driving picker stick to the swing frame in 1733–1750. This woof-motion quadrupled the product of a single weaver, and it made possible the power loom of Cartwright in 1786. All the processes we have described then became automatic, for the warp and woof moved themselves so long as the machine went

^a Max Uhle, Asher, Berlin, Pl. 26.

^b Marsden, Cotton Weaving, p. 41.

right. But there are immense numbers of hand looms at work to-day in Japan, China, and India.^a Peasant houses in Russia have the old looms. In 1901 the provinces of Vladimir and Moscow^b alone had more than 10,000 peasants weaving silk by hand, and a far greater number at work on fabrics of cotton, linen, and wool.

Coming a little later than Cartwright the Englishman, the French Jacquard, in the spirit of the same creative time, made the drawboy loom automatic. Both the original and its automatic offspring are among the most marvelous pieces of mechanism humanity has known, whether in Europe or in Asia. China and Japan, as well as India, made the most beautiful fabrics the world has ever seen, on this loom and by hand.

In plain texture a thread crosses its fellow forever, as it were, in the monotony of sheet, shirt, sail, bag, tent, and all the common fabrics. The drawboy and Jacquard made any thread the fellow of any and every thread. He could make a monotonous basket or bring out the lineaments of the human face. In the drawloom the warp threads are passed through loops formed in strings—vertical—one string to each thread, with the strings in groups. The weaver is seated throwing the shuttle as usual. From a frame above, the drawboy, at the weaver's call, pulls the group-strings or lifts all the threads the pattern calls for. These groups are fixed by a design on paper in the hands of the weaver. With "unerring precision and the utmost regularity" the drawboy pulls the cords which bring out the pattern as the shuttle passes under.^c

Wherever we turn in literature we find the loom and the weaver, whether in the gravest records or in the symbolic scenes, which betoken the life whence the poet imbibed his culture. The greatest heroine of all time is thus pictured:

Here in the palace at her loom she found
The golden web her own sad story crown'd;
The Trojan wars she weav'd, herself the prize,
And the dire triumph of her fatal eyes.^d

^a Grey, China, II, 229. Marsden, Cotton Weaving, pp. 41, 45. In 1901 Japan had 82,000 power looms weaving cotton goods. At the same time there were 708,000 looms operated by hand.

^b Palmer, Russian Life, p. 284.

^c Oriental Arts of Japan, Audesley, I, Sec. III, pp. 19, 20, and Grey, China, II, 229.

^d Helen. Iliad, III.

Virgil in a Georgic of a later time gives some detail of the making of fabrics:

Ethiop's hoary trees, and wooly wood
Let others tell; and how the Seres spin
Their fleecy forests in a slender twine.

He alludes to cotton and the early notion of silk *sericum*, which was fabled to be a fleece from trees, before the ways of the worm were known.

The splendid outgrowths of civilization perfected in the days of Pericles, and appearing again under Augustus, drew constantly from oriental sources as time went on. The finest textures of Tyrian purple wool, of flax, cotton, silk, of gold and silver tissue, gradually penetrated Grecian life and undermined the prejudices of the serious Romans. It was not without protest, for a mighty struggle was embodied in the stories of the contests of Minerva with Arachne.^a Our Puritans were incensed hardly more by the gewgaws of Flanders and France than the grave Romans were inflamed by the seductive luxuries of the Eastern world.

The art as shown in our account could afford and bring into common use those magnificent fabrics, depicted in oriental and classic literature throughout historic time. Since the periods indicated in the scenes taken from the tomb of Beni Hassan there has been constant impulse given to liberal arts by the course of trade bringing civilizing influences out of the East.^b

It is assumed with reason that the Aryan culture went southward into Persia and India, westward through Asia Minor and the Semitic lands,^c Greece, Europe, to the far British isles. The settled habits of these peoples were often broken by incursions of nomadic Scythians, Mongols, and Turks, yet it kept its way through the valley of Tigris and Euphrates for thousands of years. These great tides of exchange account for the affinities manifested by Assyrian and Indian arts. The Aryan races have been eminent in many ways, but in the arts they have had great rivals. It was not

^a Menard, citing Ovid, *La Vie Privee*. Travail, p. 133; Smith, D. A. Tela, p. 1099; and Gilroy, *Art of Weaving*, p. 48.

^b Birdwood, *Indian Arts*, II, pp. 158, 159.

^c Perrot & Chipiez, *Chaldea and Assyria*, I, 306; II, 401.

until Greece had absorbed the supreme elements of Egyptian culture—rich in its oriental inheritance—that Aryan art dominated humanity. However precedence may be adjusted finally, the code of Manu shows that the Turanian genius led the Aryan element in the arts of India. Out of sympathy these influences come, just as sparks of Celtic fire lighted the dull eye of Teuton or Saxon.

A symbol is a tide-water mark of the human mind. The native of Japan, of India, of Egypt or Assyria put symbols into the common expression of everyday life. The knop and flower pattern,^a woven into all sorts of tissues, the tree of life a constant decoration, embodied that search after the unseen which ever possessed the oriental mind.

Before we seek the limitations of modern living and confine weaving to its personal use in clothing, we must glance at oriental life, with its shawls, carpets, hangings, and tents. Shawl was the Sanscrit *sala*—a floor or room—because shawls were the first carpets, hangings, or coverlets.^b The mechanical weaving of a rug or carpet was very complicated, and it is considered that it first originated in embroidery.^c Innumerable superstitions hovered about the weaver.^d If a looker on exclaims at the beauty of the design he is begged in the name of the prophet to spit upon the fabric for luck. There were all sorts of rugs, simple and splendid, for the floor, bath, to cover low divans, saddle covers, and the hearth or fire rug; the most precious of all was spread on arrival of a guest, for it embodied the home spirit and was valued as we care for family plate.

The prayer rug was a significant treasure. A well-worn specimen ascribed to Mohammed 1,253 years before, and preserved at Mecca by a disinheritance was transferred to Constantinople in 1887.^e To the eastern worshipper his rug was a temple—if made with hands—yet consecrate with constant emotion.

^aThese symbols "are probably the most ancient badges of the Aryan race. * * * They are figured everywhere in oriental art. And we can not take up a Syrian silk * * * a carpet or cashmere shawl, or Kincob, any of these splendid and precious stuffs," but we see a tribute to the Creator. (Birdwood, *Indian Arts*, II, 176.)

^bIbid., II, 75.

^cIbid., II, 117.

^dMumford, *Oriental Rugs*, p. 93.

^e*Asia Minor*, Wm. Cochran, p. 105.

The hero of the Odyssey "on splendid carpets lay."^a In the dim and distant traditions of Judges,^b there was "to Sisera, a spoil of divers colors." I can not bring better confirmation of my theory of the civilizing influence of weaving, as it developed with its attendant arts, than by citing the noble picture of oriental woman as she stood forth in the fervent imagery of the Book of Proverbs.^c

A virtuous woman who can find?
 For her price is far above rubies. * * *
 She seeketh wool and flax,
 And worketh willingly with her hands. * * *
 She layeth her hands to the distaff,
 And her hands hold the spindle.
 She is not afraid of the snow for her household;
 For all her household are clothed with scarlet.
 She maketh for herself carpets of tapestry;
 Her clothing is fine linen and purple.
 Her husband is known in the gates,
 When he sitteth among the elders of the land.
 She maketh linen garments and selleth them.
 Strength and dignity are her clothing;
 And she laugheth at the time to come.
 She openeth her mouth with wisdom.

In the Hebrew pictures we have the home well developed and dress, in its social significance, becomes a constant constituent of daily life. While weaving has been a main element in all social evolution, its chief function—especially in latter times—has come to be the clothing and dressing of man and woman. In habiliment and garment, it furnished both comfort and adornment for man's chiefest possession, his own body.

The latest and most serious students differ absolutely in assigning motives for the origin of dress. Schurtz says—as cited by Grosse—"the origin of dress for clothing can not be ascribed to other causes than the motives of the feeling of shame." Grosse replies "clothing for modesty's sake can therefore not be traced to the feeling of shame, but the origin of the feeling of shame can be accounted for as the result of the custom of wearing dress."^d Whether decency or clothing prevailed in the early progress the result was the same for the weaver, and supply responded to the demand. With the

^a Od. X., 12.

^b V., 30.

^c XXXI, 10-28.

^d Dr. Ernst Grosse. *The Beginnings of Art*, pp. 96, 99.

necessity for clothing went a desire for decoration and the æsthetic cultivation of the savage eye. Hunting peoples have not risen to the changes and caprice of fashion, but they subordinate clothing to decoration. Tattooing, painting, and loose ornaments appear in this stage. Captain Cook found the Fuegians and similar peoples "content to be naked but ambitious to be fine."^a

The apron of leaves ascribed to Mother Eve has found its counterpart in warm climates among many peoples. Girdles of leaves renewed daily have been often used. The first garments worn by our forefathers are but dimly indicated in the present conditions of knowledge. A significant survival was in a practice of the ancient Egyptians.^b The priests in full costume wore a leopard skin and it was generally thrown over the rich vestments of their order. The forelegs sometimes formed sleeves—forerunner of the Grecian tunic—which occurs in many places and in different primitive cultures. The Aruncanians^c in South America, the Mexicans,^d the Abyssinians,^e all had decent garments of this sort. They fell to the knee or mid leg for men and to the ankle for women. Planche divides the ancient classic world into two great groups of unbreeched and breeched. There was nothing approaching trousers in Egypt and southern Europe until the Emperor Augustus introduced long-trunk hose. A group of Sarmatians from the country above the Danube appear on Trajan's Column. They wore regular trousers.^f Two had a fez, one a cap, and all had the peplum covering the left shoulder. Two great branches of the Scythian or North Asiatic peoples overrun Europe and went into South Britain before the Romans; the Kimmerii and Keltæ wore bracæ or breeches.^g The sagas mention trousers in very early times, and they were worn with the peplum, as in the case of the Sarmatians.^h

By far the most important garment of antiquity was the *pallium*, *peplos*, or toga. It appears in any time among simple peoples. The Todas of India,ⁱ the Abyssinians,^k the Sarmatians, as above, are examples merely. It was not a mantle

^a Dr. Ernst Grosse. The beginnings of Art, p. 53.

^b Wilkinson, III, 850.

^c Spencer, Sociology, Div. I, pt. 4a, lxi.

^d Ibid., Div. I, pt. 2a, p. 65.

^e Ibid., Div. I, pt. 2a, p. 43.

^f Planche, Costume, p. 3.

^g Smith, D., Antiquities, p. 213.

^h Planche, p. 5.

ⁱ Viking Age, Du Chaillu, II, 285.

^j Spencer, Sociology, Div. I, Pt. 3a, p. 53.

^k Ibid., Div. I, Pt. 2a, p. 43.

or cloak fitted to the wearer. Generally an oblong piece of cloth, it was thrown over the left shoulder and arm, leaving the right arm bare.

The modern man has his garments fitted to his particular person; but this is a latter-day development of dress. In a thousand years, from Pisistratus to Constantine,^a tradition rather than individual fancy regulated dress, and there was hardly any change of garments. Artists always have given character to the clothing of everyday life. Zeuxis at the Olympic games wore his chlamys pinned over his left shoulder, with his name woven into the squares of the design in letters of gold. Rob Roy might have worn, and probably did wear, his plaid over his shoulder in the same manner. The clothing of Orientals and Greeks was draped, and the Arab burnous and Scotch plaid are the sole survivals of this habit among cultivated peoples.^b

The main garment, mentioned above, was adjusted in many ways, and bore different names accordingly. If thrown loosely about the body it was a *pallium*; if pinned or clasped at the neck it was a chlamys. In a woman's hands, with several pins and a girdle, it becomes a *peplos*. There are other forms, but these are the leading types.^c

Feminine dress naturally suggests lace and embroidery, important adjuncts of weaving. In the richest Indian and Japanese fabrics it is hard to separate the offices of the shuttle and the needle. In lace, the noosing of the thread was worked by bobbins across a pillow, until "point" could engage the attention of the great Colbert himself.^d In feudal life the lady chatelaine taught these mysteries to the highest born maidens, and romance has always hovered about the tambour frame. In the Percy ballad, Lord Thomas, Fair Annette cries:

My maids gae to my dressing room,
And dress me in my smock;
The one-half is o' the Holland fine,
The other o' needle work.

While the development of dress was gradual from one generation to another—for habit even more than invention con-

^a Menard, *La Vie Privée des Anciens La Famille*, p. 255.

^b Ibid., p. 255.

^c Ibid., p. 257.

^d Palliser, *History of Lace*, pp. 33, 296.

trols our daily life—certain periods are clearly indicated and reflect the course of civilization. About the beginning of the sixteenth century^a materials were much increased and varied. Francis I encouraged a luxurious display in every way. Splendid gowns were given to the ladies of his court. But the eighteenth century^b—in this as in the whole advance of humanity—gave the greatest impulse to the modern progress of dress. The individual man was asserting himself in the social as well as the political world. Gradually we lose the national distinctions of costume, so picturesque and in many ways so desirable. The same folds of drapery had clothed a Socrates, a Gracchus, or a Caesar. Now each man must have a garment of his own and to himself.^c The sluggish Orient began to yield, and its hitherto unchangeable garments were fitted anew to the wants of individual man under the changing decrees of fashion.

Three-quarters of a century ago the great transcendental poet Carlyle was not comprehended when he cried out, "The only real tissue quite overlooked by science—the vestural tissue, namely, of woolen or other cloth, which man's soul wears as its outmost wrappage and overall, wherein his whole other tissues are included and screened, his whole faculties work, his whole self lives, moves, and has its being."^d Since then science has reenforced and proven, as it always does, the pictured imagery of the true poet. Says Grosse,^e "We have repeatedly determined—especially in regard to the adornment of the body—that even those details which we commonly consider sports of arbitrary caprice belong to the common aesthetic stock of the peoples most remote from civilization."

In the pre-Columbian world, secluded as its progress was from Asiatic and European influences, a similar movement was manifested toward a vague ideal, enshrined in the heart of rude and elementary man. "The nature love of decoration had a marked influence on the weaver's art in its simplest and rudest as well as its higher forms."^f "All tell the same story

^a Planche, *Costume*, p. 155.

^b *Ibid.*, p. 298.

^c "A warm, movable house, a body round thy body, wherein that strange thee of thine sat snug, defying all changes of climate." (*Sartor Resartus*, C. and H. ed., p. 57.)

^d *Sartor Resartus*, p. 4.

^e *Beginnings of Art*, p. 307.

^f Holmes, 13th An. Rep. Bureau Ethnology, p. 44.

(prehistoric and historic) of a simple primitive culture, hardly advanced beyond the grade separating the savage from the barbarous condition."^a

Symbols were a power—which we but faintly comprehend—in the culture of simple peoples. It was not a conceit of fancy; it was a deep spring of the imagination, that the oriental weaver wove into his prayer rug, or embodied in the folds of his drapery. We get a hint of these processes in that far away primeval time, which Deborah brings before us in her song of triumph over the mother of Sisera. The son lay dead under the stroke of Jael's tent pin. But the fond dame imagined him as returning loaded with "a spoil of divers colours." "Of divers colours of embroidery on both sides, on the necks of the spoil."^b The fierce Deborah cries out, "So let all thine enemies perish, O Lord." The best art of the age radiates through the dramatic struggles of the heroines. The embroidered necks of the spoils was but a figure of speech, for the great knop and flower pattern became a potent symbol in the whole art of central Asia and India.^c The lotus was severely conventionalized and appeared—hardly ever twice alike—in the varied, soft tints of oriental and Indian design. It was not alone the skill of the weaver and the beauty of coloring in these textiles; there was an intense symbolic passion, which wrought out of the soul of the man, and lifted mere wool, silk and gold wire, into a design, which set forth the aspirations of whole peoples. "Thou seest the end from the beginning and weavest the ages as a work upon the loom." This subtle significance of oriental life is modified and differentiated in our civilization, though it is none the less potent in its results. We have on the one hand custom and tacit convention developing into the serious forms of ecclesiastical vestments and the uniforms of military and civil life—all of which embodies power. On the other hand, there is the caprice of fashion—no longer the capering of a goat—but the organized desire of man and woman, formulated into a severe code, that ramifies from the chief centers of civilization into the farthest recesses of civilized life.

The oldest and greatest branch of the stream of tendency

^a Holmes, 13th An. Rep. Bureau Ethnology. p. 46.

^b Revised Ver. Judges, V, 28-30.

^c Birdwood, Indian Arts, II, 182.

lies in the province of ecclesiastical vestments. Vestry, now become a political entity, meant wardrobe originally. The vestment, or chasuble, of the west—of record from Gregory of Tours or the *phenolium* of the Greek Church, is a survival of a barbarian poncho or blanket. The stole, or *orarium*, positively known A. D. 360, is a narrow band, which had its antecedents in the many girdles we have described. The use of such garments has convulsed kingdoms. Whether they be formed according to the statutes of Edward VI of England, or whether they are at all under English law, is matter of serious litigation.

Let us turn from the province of church and clergy to functions which are political and social. In the purely voluntary celebration of the Alfred festival there was a procession a mile long, which in ample costume portrayed almost every phase of English experience—ecclesiastical, civil and municipal, military, and political. Curiously enough, the academic dress was conspicuous, altogether outshining the most brilliant uniforms of the soldiery. In the late coronation of Edward VII an empire brought its whole symbolic dress to the feet of a king who loves parade and traditional display far more than did Alexander or Cæsar. The primate of Canterbury, the lord chancellor, the field marshal commanding, ranged their garments round the King in historic grandeur. Bagehot said there were portions of the British people 2,000 years behind our time in mental development. Also, that parts of the British Government and daily administration were merely scenic in their intention and scope. The coronation, as it spread its influence throughout Greater Britain, proves his sagacity.

A grotesque illustration of the capacities of costume, custom, and crude governing power may be had as it actually occurred in 1901 and was reported^a by Sir F. Lugard, of Nigeria, as a practical difficulty in administration:

Throughout the protectorate the crime of extortion or personation is very prevalent. A man wearing a fez and pair of trousers comes to a village and announces that he has been sent by the white men. He may remain there for months, levying blackmail from the ignorant natives. He will often not content himself with horses, cattle, grain, etc. * * * but he may terrorize them into yielding to him their wives and daughters.

^aThe Times, March 7, 1902.

If any one imagines that these deep and significant principles of dress are impotent because latent in our own country—this modern field of civilization—let him experiment by offending the least of these dormant sensibilities. Whether he be in an Irish Catholic congregation, or at the simple altar of a New England church, or touching the hem of a Quaker garment, he will find that Carlyle's vestures have meaning and instant power.

If one thinks that poor Fashion—maligned and caricatured as she is by the thoughtless—is a potentate to be trifled with, let him reconsider such dictum made out of his own folly. Fashion is the Robespierre of Dress. The Democracy recklessly crowns its own potentate; holding this province of social order to be one of the final citadels of the individual self, it can fancy that it rules and controls. The dude turns up his trousers, in imitation of his fellow avoiding London mud; then whole communities troop after this ragged, unkempt, and silly custom, worthy of a half-naked Sioux Indian wearing a silk hat.

We began with a savage, old or young, struggling against harsh circumstance through his military and civic development, always costumed according to his vocation, always enfolded by the weaver's art and meshed in threads spun out of life and experience. Gradually the individual man and woman emerged from this throng of created humanity and clad themselves in their own garments. The home so gracefully pictured by the Hebrew poet went about the civilized world and hardly pauses at the golden gate of the Pacific. The stroke of the weaver's hand and foot has been transmuted into mechanism, swift as thought and delicate as the spider's action. Every phase of life, every human motive, has urged the weaver's shuttle. Desire of comfort, awe in worship, pride of display, love of home, symbolic utterance—all have hovered over the weaver's spirit, have animated his hand, have directed his destiny.

Speculation has no place in historical study, but having completed our inquiry we may give rein to the imagination for a moment.

A century or two hence primitive man may be more highly appreciated than he is just now. Like tyros, we sport with

the awful powers of nature by setting a portion of the great forces against the other forces, which we can comprehend. Yet it is only thought that animates matter, whether it be in the stroke of a stone hammer or in the lift of an electric crane balancing a hundred tons. Our mother nature may be dreadful, but we know that she is beneficent if wooed constantly and soothed into peaceful mood. In early development myriad Adams and Eves went up and down the earth, struggling with spirits constantly with demons occasionally. The man who first conceived the lightning flash to be no Jovine bolt, no demonic freak, but a throb in the order of nature, was greater than Edison. Patiently these children of nature wrought, carrying their own spirit into the matter within reach, and informing it with their touch. The mind of man went with his hand until one after another of nature's forces came under his control and malignant demons were left in the limbo of the past. We toil and sweat in the grime of machinery, we grow deaf in the chink of gold as it moves the wheels of finance. We putter with records. In time the seer will come and render forth in his own song the true meaning of all this intercourse with nature, the actual story of these new exploits of man.

All the processes of labor I have faintly described, all the memorials of art in early time, should be cherished not curiously but reverently, for they embody the serious education of our ancestors -- little in its own material moment, but lofty in the inevitable progress of the race, great in the possible triumphs of mind over matter.

VIII.—MUNICIPAL PROBLEMS IN MEDIEVAL SWITZERLAND.

By JOHN MARTIN VINCENT,
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into treaties, military capitulations, and other agreements with the great states of Europe. They were accustomed to look beyond the narrow limits of their own territory and to take part in the larger affairs of the world.

These sovereign rights had also their sovereign perils, for if, in the pursuit of the larger political life, war should ensue, every state must in the last resort depend on its own defenses. In fact, the first requisite of existence was defense against the enemy. Now the nature of that defense is a most important factor in mediæval municipal life. As everybody knows, the warfare of that day called for city walls. Where natural cliffs were lacking, masonry was called in to provide barriers against hostile men and hostile cannon. Heavy stone walls were formed around all of the important Swiss cities, as in other countries.

These defenses, in the first place, called for an original outlay of a serious character, whatever the size of the town might be. In a small place the burden would fall on fewer, and in large towns the circumference of the fence would be greater. Later on there would have to be continual outlay for maintenance, for preservation of the moats, and the prevention of decay. Walls, therefore, became one of the fixed charges of a city. The organization of the citizens for watch and guard duty might have taken place without walls, and we need not say that one is the cause of the other. Guard duty was a problem and a burden growing out of the manners of the times. The walls, however, determined numerous important matters within their precincts. For long periods they set limits to the size of the city. Mediæval walls were not, like those of Babylon were said to have been, agricultural boundaries as well as municipal defenses. Comparatively little vacant space was left inside, and for considerable periods the whole problem of expansion found its limit at the city wall. Within this lay the problem of sanitation, to which the moat on the outside added a hygienic puzzle of its own, in solution, as it were.

Undoubtedly the width of streets and alleys as they still remain in many old places was largely determined originally by the limits of the city circumference. The situation and the form of houses were also in a measure affected by the

artificial boundaries of defense. If one follows out the many ramifications of this question, it becomes more and more evident that the whole civic activity takes on a character due to the city walls. This factor has not been emphasized sufficiently in the histories of city government, and deserves greater consideration when trying to explain why authorities did some things and failed to do others.

As to forms of government the Swiss cities may be divided into two general classes. In one the trade guilds had an active part in the administration; in the other they had not. In the latter case the aristocracy took the affairs of the State wholly into their own hands. The two prominent examples of the respective classes are Zurich and Bern. In Zurich a revolution took place in 1336 under the leadership of Rudolf Brun. This was a demand for more popular representation, and the result was the admission of the masters of the guilds to the city council.

Under the new constitution the citizens were practically divided into two classes—the citizens of wealth and the citizens of toil. The first class consisted of the aristocratic families, the larger merchants, and those who were financially at ease. All of these qualifications were much less extensive than at present. Since this part of the population was, as usual, the smaller, it was gathered into one guild, called the Constafel. This term was derived from *constabularius*, but indicated no longer the special duties of that feudal office, and was simply used as a title of distinction for a superior class.

The working classes were grouped into thirteen trade guilds, whose organization differs in no essential from the forms found in other countries at this period. In the administration of the city government aristocracy and labor were about equally represented. It would be inexact to say "capital and labor" in this description, for every master of a trade was a capitalist and employer in a small way. Not yet was there a wage-earning class here entirely dependent on the capitalists for the opportunity to labor. The distinction was made partly in obedience to the natural reverence for well-born families, for capacity for leadership, as well as for wealth itself, and its stake in the commonwealth.

In outline the city government consisted of a smaller and a

larger council, with a burgomaster as executive head. The Kleiner Rath, or smaller council, consisted of 26 members, 13 from the one guild of the constafel, and the 13 masters of the trade guilds. This council met every week or oftener, and was the real executive council of the city.

The great council, known as the Grosser Rath, was composed as follows:

Members of the smaller council.....	26
Members of the outgoing smaller council	26
From the trade guilds, 6 from each	78
From the constafel	78
Appointed at large by the burgomaster.....	3
The burgomaster himself, as presiding officer.....	1
<hr/>	
Total membership	212

After 1370 this larger body was commonly spoken of as the council of the 200, or, for short, "Die zweihundert." Its meetings occurred at irregular intervals for the more fundamental business of the city state.

Elections to the councils took place every six months, at Christmas and midsummer. The burgomaster also was chosen every half year, but it came to be the practice to consider the outgoing mayor as part of the government, and thus two chairmen were constantly available. At the dates mentioned the guilds of Zurich met in their respective assemblies and chose their masters and their representatives for the two councils. These newly elected bodies thereupon met together and chose a burgomaster.

The same general form of government was found also in Basel and Schaffhausen. The number of members in the councils was larger in Basel and smaller in Schaffhausen than in Zurich, but the principle was the same. The reform of 1336 in Zurich was clearly patterned after a similar movement in Strassburg which occurred shortly before. In Basel the representation of the guilds was introduced about 1350.

In these constitutions there was a problem of representation which presents an interesting subject for study. The recognition of the guilds has a political as well as an economic significance. The act testifies to the activity and progress of industry in those particular localities. Analysis of their membership, in Zurich for example, shows that about every man

not in wardship or dependent service was a member of a guild. In Basel, and perhaps in other places, even the widows of deceased members could carry on the business as members. The connection of the citizen with politics began with the election of guild delegates to the great council. The master of his guild was also an elective officer, and was at the same time an ex officio member of the government. The common man, therefore, made himself felt through his business organization rather than through a ward or precinct of the city. The constafel were more influential on account of their wealth and condition, and were provided with double the number of representatives. In this case also they were represented by delegates of their own choice.

Closer study permits one to make a fair estimate of the extent of democracy present in the government. The population of Zurich in the fourteenth and fifteenth centuries has been estimated to have been between 7,000 and 10,000. According to the usual proportions the adult men would make about one-fifth of such a community, or anywhere from 1,200 to 2,000. Taking the highest figure, a legislature of 200 members would give 1 delegate to every 10 voters, or 1 to 50 inhabitants. Even if the estimate of male inhabitants should be made twice as large as modern figures warrant, we should have a ratio of 1 delegate to 20 voters, a representation which comes very near to pure democracy.

Practically everybody who was a working force in the city had a voice, although not an equal voice, in the public business. The superior representation of wealth marks the boundaries of the contest of social forces for the time being. The jealousy of the two elements was by no means quieted by the admission of the trades to the government in 1336. The problem of the conservative party was to prevent the intrusion of democracy. The trades were continually endeavoring to obtain more influence and actual power.

Aristocratic government in Swiss cities was represented in the constitutions of Bern, Luzern, Freiburg, and Solothurn. Taking Bern as the largest and most influential, we find at the outset that one of the cardinal principles of that city was that guilds were not permitted to have any voice whatever in the government. What is more curious is the fact that the

rulers took measures even to the extent of forming military alliances to prevent the guilds from ever getting any hold upon administration. Most curious of all is the agreement which Zurich was willing to enter into, for that republican town promised to lend armed assistance to the government of Bern if any one should attempt to overthrow the existing constitution and introduce the régime of guilds. In return for this the Bernese were to come to the help of Zurich if the political power of the guilds was threatened. In Bern these organizations were confined to their industrial functions.

In the aristocratic cities above mentioned there were in the fourteenth century two councils, as in Zurich, but the difference lay in the method of appointment. Bern had a small council of 26 and a great council of 200. Luzern had a small council of 36 and a great council of 100, while in Freiburg the proportion was 24 to 200. Formerly there had been only a single small council of an aristocratic character with a Schultheiss at the head. The constitution of Bern now under consideration was itself a concession to a brief labor movement which began about 1295 and got no further. To appease the demands of the guilds a new board was created, called the sixteen, or the secret council, and consisting of four men from each quarter of the city. This board, with the assistance of four of the chief officers of the government, selected a council of two hundred, to which all classes were eligible. If the members were properly chosen this council could be a fairly popular body, but it is easy to see how in the course of time the great council became simply an instrument for confirming aristocratic power. With lawmakers of its own appointing, the upper classes made the right of citizenship more and more difficult to obtain, so that in the sixteenth and seventeenth centuries the government of Bern was almost a family affair.

The limits of this paper do not permit a detailed examination of all the problems which might and did arise under these two forms of municipal government. In both cases there were common attributes of sovereignty to be put into practice. Each city state was the final source of law, both public and private, civil and criminal. Law, to be sure, was a product of custom and history, but the councils of Zurich, for

example, determined what law should prevail in their limits. No outside power determined that question. The ordinances contain such serious matters as the law of inheritance, stipulated in all its details. In criminal law there were traces of feudal administration, but the customary law was now written and punishments were enactments of city councils. The council was, in fact, a court of appeal, and the distinctions between legislature and judiciary were not clearly marked. Add to this the police laws necessary in a compact community, and the scope of legislation goes far beyond our modern conceptions of the municipality.

Each city regulated for itself and its dependent territory all matters concerning weights, measures, and coinage. A supervisor of weights and a master of the mint were necessary municipal officials. There were attempts to establish common standards among the towns, but the coinage of the time is the distraction of the modern collector and could hardly have been less to a contemporary.

Religion also was under the supervision of city councils. Not until the Reformation do we meet with serious trouble about doctrine, but the administration of church property had been closely watched for a long time before. When the authorities were convinced that monastic estates were not properly managed they appointed bailiffs to supervise and report to the State. Zurich maintained an oversight of the clergy, and as the territorial possessions of the city increased more and more pastors depended on the secular authorities for appointment. Consequently it was only natural that the public debate on Zwingli's theses should take place before the great council, and that the celebrated decree which ordered the clergy to confine their preaching strictly to the Scriptures, was the act of that modern impossibility, a board of aldermen!

The government of the city was in one sense confined to the circuit of its walls, and in another extended over the neighboring country. The lands of Zurich, for example, spread about over the space now occupied by Zurich Canton, but this was not a part of the State as we should now understand it; it was subject territory. The Canton was made up of districts, properties, and other feudal rights which had from time to time been purchased, forfeited, or conquered

from their former owners. The various parts were administered by governors appointed by the city council. The inhabitants of the country were not citizens, but subjects of the city. Certain outside residents were admitted as citizens, but only by special act. The city stood simply in the place of the former owners or overlords of the soil.

The evils of this were very great, for the country was unfairly treated in the regulation of trade. The city desired no competition on the part of country artisans. Country-made goods were forbidden the city, or so burdened that they were unlikely to enter. The trade guilds were afraid of their own subjects and got behind the protection of their own walls. Inside the municipal boundaries the regulation of trade, apprenticeship, quality of goods, and such matters was largely in the hands of the unions, but the city frequently enacted general ordinances and regulated prices.

The police ordinances show a wide range of activity. There is abundant record of the methods used to suppress crimes and misdemeanors. Citizens must not carry swords on stated occasions, particularly when crowds might be expected to assemble. Betting above a certain small limit was forbidden. In general, the power of government to regulate individual conduct was much more extensive than we now conceive it to be. What were later called "blue laws" were numerous and far-reaching. The city fathers felt it to be their duty to prevent extravagance by statute. Clothing must be modest in form and remain within a stated limit of expense, for various classes. At one time coats must reach to the knee, and shoes must extend no more than a finger length beyond the toe. Wedding feasts must not have more than a certain number of guests. Profanity was unlawful, and a select list of prohibited oaths was published, so that one should not with impunity swear by "God's wounds," or by "the mother of God," and various other expressions which apparently came lightly over the tongue in those days. In fact, the records are a curious mixture of things both grave and gay.

Some things we miss. There is little or nothing said about pavements, for the very good reason that they had little or nothing of the kind. Zurich's first-known paving ordinance appeared late in the fifteenth century. Street lights find no

mention, for the city doubtless felt no call to undertake a business which from its very nature ought to be left to the free competition of the sun and moon. The nearest approach to a public franchise was the right to place mills on the river, which in Zurich flowed through the center of the town. The regulation of this was intended more than anything else to prevent undue competition of millers and to make the number of mills correspond to the demand for flour.

This picture is incomplete but sufficient has been said to indicate the wide variety of civic problems and the spirit in which the solutions were approached.

IX.—PARTY POLITICS IN INDIANA DURING THE CIVIL WAR.

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PARTY POLITICS IN INDIANA DURING THE CIVIL WAR.

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The study of politics in the States is essential to a proper discovery of the political history of the nation. It is obvious to a casual student that during the first half century of American history the political conditions, conflicts, and rival leaderships within any one of such States as New York, Pennsylvania, Virginia, Massachusetts, or the Carolinas were decisive factors in determining the course of political events in the nation at large. While this may not be asserted to an equal degree of the Western States and of more recent years, and while the influence and the weight of local political conditions may not now bear so great a proportion to the life of the whole as in earlier times, yet it will always be true that the historian of American politics will find his best materials in the political struggles within the several States.

Indiana has been until very recently a pivotal State in our party conflicts. For a quarter of a century following the civil war her electoral vote, combined with that of New Jersey, New York, and the former slave States, would have been decisive in the election of a President. In these party struggles Indiana, while always a hotly contested field, has appeared, when judged from its native constituency, to be normally a Democratic State. Out of sixteen biennial contests from 1862 to 1892 the Democratic party carried the State ten times, and in the other contests the Republicans won under unusual conditions or by very narrow margins.

One of the serious problems that confronted Mr. Lincoln in his conduct of the civil war was that of uniting the North in its vigorous prosecution—the problem of making the war a national, not a party, war. The party influences arrayed to

oppose and embarrass, with the ultimate purpose of defeating for reelection, the war administration of Mr. Lincoln were probably as formidable in Indiana as in any other State in the North. The extent and character of this party opposition to Mr. Lincoln in Indiana is the principle theme of this paper.

Indiana was settled chiefly from the South, by immigrants from the Carolinas, Virginia, Kentucky, and Tennessee. They were pioneer home hunters of native American stock. The State felt less than any of its neighbors the influence from the several streams of foreign immigration that passed to the West, such, for instance, as came from the Germans with their dispositions toward nationality and liberty. A few of the settlers from the South, like the Quakers and the Scotch-Irish Covenanters from the Carolinas, brought anti-slavery principles with them, but the great mass of these immigrants were Southern in kinship, sympathies, and political ideas. These ideas were the ideas of Jeffersonian and Jacksonian Democracy—equality among men of the white race, local independence, economy in administration, simplicity in the life of the people and their rulers, little interference by Government, and the general tenets of the Virginia school of politics. As to slavery, the immigrants were either morally indifferent, caring not whether slavery was voted up or voted down, or they positively indorsed the peculiar institution of the South. They were filled with an intense race prejudice against the negro, which led them into an intolerance that was sometimes fierce and hateful, always unreasoning and unreasonable. George W. Julian said in a political speech at Raysville in 1858:

It is a sad truth that Indiana is the most proslavery of all the Northern States * * * Our people hate the negro with a perfect if not a supreme hatred * * * The proposal to repeal the Missouri compromise excited less opposition in Indiana than in any other free State. Some of the Whigs and Democrats denounced it, but their zeal for freedom seemed more a matter of geography than of conscience.

In the campaign of 1856 the territory south of the National Road was forbidden ground to antislavery speakers.

For forty-four years after the admission of the State, from 1816 to the election of Lincoln in 1860, the electoral vote of Indiana was given to the Democratic party with the exception of the two years when Gen. William Henry Harrison was the

candidate of the Whigs—in 1836 and 1840. In this period the southern section of the State, settled much earlier than the northern, held a preponderant control in the politics of the State. South of the National Road, from Richmond west through Indianapolis, the southern element was in almost complete control. This population gave Indiana what may be called a *conservative* character, especially as applied to antislavery proposals and to innovations in political ideas. Ultra men were not in favor with this old school, Virginia Democracy.

This conservatism was noticeable in its influence upon the Republican party, even among many of its members who were decidedly opposed to slavery. Mr. Henry S. Lane, the leader of the Indiana Republicans in 1860, and the party candidate for governor, in joint debates which he held with his opponent, Mr. Thomas A. Hendricks, reflected this conservative disposition. One is impressed with the very little attention given in these joint discussions to the question of slavery. In this notable campaign when, as we are accustomed to think, the burning and absorbing question of the hour was that of slavery—a question that, as it seems to us, was rending the Union in twain—Mr. Hendricks practically avoided the discussion of the question, while Mr. Lane, for the Republicans, resenting the charge of Abolitionism, claimed only to be standing where great leaders of the Democratic party had stood but a few years before, and he carefully explained that Republican opposition to slavery was merely opposition to its extension. “Wherever slavery exists by virtue of local law,” said Lane, “there it is sacred and protected by the Constitution of the United States.” For the agitation on slavery Lane held that the Democratic party was entirely responsible; it was owing directly to the repeal of the Missouri Compromise. “All was peace and harmony before; there was no angry feeling between the North and the South. All the people and every party in the country acquiesced in the compromise measures of 1850.” While Lane spoke with no uncertain sound against the dogma that the Constitution carried slavery into the Territories and protected it there, he claimed the merit of the conservative in standing upon slavery where Washington, Jefferson, Jackson, Clay, and Webster had stood. This conservative influence, it will be remembered, was ex-

erted by the Indiana delegation, headed by Lane, at the Republican National Convention at Chicago in 1860 in opposition to what was supposed to be the more radical candidacy of Seward and in favor of the more conservative candidacy of Lincoln for the Presidency.

An analysis of political discussion in Indiana during the war reveals certain distinct party elements and opinions. The mass of the Republicans in Indiana were at its beginning disposed to conduct the war on the basis of the Crittenden resolution of July, 1861, merely for the Union and the maintenance of the Constitution as it was. They would not disturb slavery. Antislavery purposes were suppressed. There were, however, many Republicans in Indiana, as elsewhere, who, like George W. Julian, would have it understood in "point-blank words" that, as Julian expressed it, "liberty was dearer to them than Union," and that they "had no love for a proslavery Union so highly prized by our modern Democracy."^a

Oliver P. Morton, Lane's running mate for lieutenant-governor in 1860, and who, upon Lane's election to the United States Senate, became the war governor of the State, was one type of Indiana Republicanism. He was a conservative but a positive leader, who was ready to temporize, or wait on time and public sentiment, for the sake of success. Julian was quite another type -- a man of intense convictions, who had devoted himself to the antislavery cause and who believed in a thorough antislavery policy. These two wings of the Republicans came unitedly to the support of the war at all hazards -- at the sacrifice, if need be, of property interests in slaves, of the rights of the States as formerly defined, and of the strict application of the Constitution for the protection of civil rights in time of war.

Turning to the Democratic party we discern three distinct divisions of the party forces. They may be called: (1) The War Democrats, (2) the Constitutional-Union Democrats, (3) the Anti-War Democrats, those who preferred disunion to war and who are more commonly known by the name of "Copperheads."

All these wings of the Democratic party proclaimed their love for the Union. The devotion to the Union among the

^aSpeech at Raysville, 1857.

people of Indiana, if not overwhelming, was certainly decisive. All parties professed it. Among some this devotion, it is true, took a peculiar, even a questionable turn, but their professions were an undoubted and significant recognition of the popular mind on this subject. This devotion did not lead to the subordination of parties and party strife and to the fusion of all parties into one united party for the Union, as some desired, a desire which the Republicans attempted to make use of for their party cause. But the Democrats, whose loyalty to the Union was questioned, indignantly resented this imputation and they found it necessary in antagonizing the administration of Mr. Lincoln to assert, in their speeches and public declarations, their opposition to secession and their attachment to the Union, and to insist upon a distinction being drawn between opposition to the war and opposition to the civil and political measures of the Administration. A war for the Union—the old Union as it was and the Constitution as it is—they constantly avowed their purpose to support; a war for abolition and all means and measures looking in that direction they would strenuously oppose.

The mass of the Indiana Democracy had voted for Douglas in 1860. Of the 127,000 Democratic votes cast in the State only 12,000 had been cast for Mr. Breckinridge. John Bell, the candidate of the Constitutional Union Party received only 5,000 votes in Indiana. After Southern secession and the outbreak of war many of the Douglas Democrats became Republicans. These were the war Democrats, men who were ready to forego their party interests and unite by fusion with the Republicans into a Union party, men like ex-Governor Joseph A. Wright, Hon. James Hughes, of Bloomington, ex-member of Congress (who had supported Breckinridge in 1860), Martin M. Ray, and others. These men believed in a vigorous prosecution of the war, and that our attacks should be directed against the rebels in arms rather than against Mr. Lincoln and his Administration. This right wing of the Democratic forces, as it were, were ready to lay down their party arms and come into the camp of their political opponents, or, rather, they were ready, as they looked at it, to form a new camp in which there would be a cessation of party strife for the sake of alliance against their common foe, the enemies of the Union with arms in their hands. For June 18, 1862, the Republicans

and war Democrats called a *Union* convention to promote the cooperation of those who favored a vigorous prosecution of the war. At this convention the Democratic delegates held a separate meeting of their own. They adopted resolutions favoring the union of all good citizens for the support of the Administration in all necessary measures to crush the rebellion; for this they would unite with all citizens of whatever former name or association.

Governor Morton presided at this union convention of the war Democrats with the Republicans. The speech of Hon. Martin M. Ray, a Democrat who had voted for Douglas in 1860 may be taken to represent the attitude of war Democrats:

The issue [he said] was government or no government. All party issues should be put aside until the government is reestablished in every State. If slavery must perish in the conflict to restore the Union, let it perish. * * * Let us exorcise the fierce spirit of party and faction that has so fearlessly cursed our land. * * * To enter into a discussion as to the causes of the war is but to mock at our calamities. This is not the time to try that issue. The issue is between the Government and armed rebellion. Party spirit is striving to change and transfer this issue, the tremendous issue between the Government and armed treason, to a number of irrelevant and immaterial differences between the loyal people of the North. The opponents to the Administration affect to consider all the rest of us as abolitionists or secessionists. There are few of either among us.

Ray looked to this Union convention, not as a party movement but as a movement of the people—

a union against the scheme of baffled politicians to ally the Northwest and the South; also against the suicidal and visionary scheme of crazy enthusiasts to inaugurate forcible emancipation with its untold horrors.

Stern, unrelenting, crushing war, firmly supported by the masses of all political parties is the only panacea for the restoration of peace and union. We must meet the superannuated expounders of the Virginia and Kentucky resolutions, who still swear that if these resolutions mean secession they are secessionists, thus using the wedge of dogmatism and bigotry to split the Union. Cast-iron politics and Virginia resolutions are about played out.

What the country needs is that Democrats should go South and proclaim in the ears of all that treason has no ally in the North; that the Breckinridge faction that tried to commit the Democratic party to an alliance with the rebellion has failed; that the South must fight, not only Mr. Lincoln's political friends, but the whole Democratic party. The sooner this is understood all round the better for the country, but as long as a certain class of newspapers refuse to publish one generous, liberal, loyal, frank, patriotic, or earnest expression of sympathy for a struggling Government it need not be expected. This creates false hopes and protracts hostilities.

The war Democrats wish to save the Constitution and the Union by overthrowing the rebellion by the prosecution of the war. The Constitutional Democrats propose to save the Union by conniving at treason in the name of the Constitution and assailing everything under the name of abolitionism except the rebellion. They take no notice of the exigencies of an atrocious rebellion, but with well-dissembled alarm for the safety of the Constitution, with both hands up and eyeballs dilated, they inveigh furiously against abolitionism.

Such Democrats, no matter what may have been their antecedents, soon came into close harmony, if not identification, with the Republicans. They may be eliminated as a part of the Democratic opposition.

The opposite wing of the Democracy were the "Copperheads." On January 29, 1862, Jesse D. Bright, Senator from Indiana, was expelled from the Senate of the United States charged with complicity with the rebellion. Bright had written a letter to "His excellency, Jefferson Davis," introducing a friend who had a style of firearms for sale. In the discussions preceding his expulsion Bright defined three classes or parties in the North in respect to the attitude of the people toward the war: (1) An extreme party of Northern abolitionists, who favored invading the South, declaring the slaves free and arming them against their masters; all of which was to Bright the height of abomination. He named Mr. Sumner as the representative of this class. (2) The main body of the Republicans who opposed this line of policy, but who were in favor of furnishing all men and money necessary to invade any and every State in rebellion and by military force to subject the people there to submission. They were opposed to interfering with the rights of property or with slavery except as a military necessity. Senator Sherman, of Ohio, was named as a type of this class. (3) The party opposed to invading any of the States of the South, or attempting by force of arms the subjugation of her citizens and the destruction of their property, "until all efforts at reconciliation had been exhausted." A defensive war only was justifiable, and only the men and money necessary to defend the capital and the loyal States from invasion should be furnished. This meant that war for the Union was not to be supported. It would be a war of aggression, of subjugation, for the destruction of property, for the coercion of sovereign States; and these ends were all unrighteous and unconstitutional.

War was disunion. If the Union could not be restored by compromise and conciliation it could not be restored at all, and these men were unwilling that any attempt should be made to restore the Union if it had to be done by war. (In the description of this class Bright described himself. He represented a considerable element of the Democratic party in Indiana—men whose chief creed was to hate abolitionists; who were constantly haunted with the bogie of negro equality and race mixture; who sympathized with the South, believed in the sovereign rights of the States, opposed coercion, and bitterly denounced the war and all the positive measures of the Administration. (It was this ultra element that gave the body of the Democratic party in Indiana a *copper* hue; that led to the secret political organizations and the treason trials resulting from the assumed necessity of the application of military law and the arbitrary arrests by the Government. No doubt their success would have been comfort to the enemy.) But, like most extreme and aggressive classes, the "Copperheads" may have attracted an attention disproportionate to their numbers. What proportion they were of the rank and file it would be very difficult to determine. It was the Republican policy to identify the whole Democratic party with this noisy and turbulent and, in some cases, treasonable element.

It is certain, however, that the "Copperheads," while they were a force within the party to be reckoned with, and in some localities a prevailing force, did not determine the official utterances and leadership of the party. The party was wiser. The great body of the party, which I may describe as the center, standing between the War Democrats on one wing and the "Copperheads" on the other, knew the doom that would follow party complicity with disunion and disloyalty. This center of the Democratic forces, containing elements shading off toward either wing, make up what we have named the Constitutional-Union Democrats. We have no sufficient reason to doubt either their loyalty to the Union or their attachment to the strict application of the Constitution, though much of their party conduct and discussion certainly descended to the plane of mere demagoguery and faction. In much that they did partyism took the place of patriotism; whether this was because they were handicapped by the

"Copperheads" or because of their prejudice toward the negro and the abolitionists I do not attempt to determine.

The character of this Union Democracy and the nature of the party opposition that it aroused against Mr. Lincoln's Administration, to what extent it represented the spirit of unjustifiable faction, to what extent its course was defensible party conduct, it is the next purpose of this paper to portray.

The discussions clearly reveal the constituent elements and opinions that went to make up the ruling public opinion of the party.

1. In the first place, on the sectional struggle of the preceding decade relating to slavery, the party was one of concession, conciliation, and compromise. It was a Union-saving party, when saving the Union meant satisfying by concessions the demands of the slave States. It would readily, perhaps unanimously, have accepted the Crittenden compromise of the winter of 1860 and 1861; and these organs and leaders charged upon the Republicans the defeat of this proposed amendment, soundly denouncing them as abolitionists and disunionists for this reason.

The Sentinel, the State organ of the Democratic party, in its issue of April 5, 1861, says:

The spring elections show the ascendancy of the conservative sentiment in the State. The people of Indiana are in favor of the adjustment of the unfortunate difficulty between the sections by any honorable compromise. There can be no doubt that if the Crittenden amendment had been submitted to a vote of the people at the elections in April it would have carried by an overwhelming majority. A vote of that kind would have made for reconstruction. The Republicans were, however, unwilling to take any steps looking to concession and conciliation, without which it is useless even to think of restoring the relations which have heretofore existed.

As late as March 30, 1861, the Sentinel indorsed Alexander H. Stephens's proposal of a reconstruction of the country on the basis of the Montgomery constitution.

This [says the Sentinel] is the quickest process. The Montgomery constitution is in many respects a great improvement upon the Federal Constitution. The revenue system it provides is far in advance of any yet attempted since the General Government was organized. A reunion can never be accomplished without compromise. A national convention to arrange the terms is hardly practicable. The South would hardly participate. The border States propose a convention to lay down the conditions

upon which they will remain in the Union. These States would, therefore, not favor a convention, while the slow process of it would give the Confederacy time to gain strength. Why not meet the issue promptly and yield whatever is reasonable to satisfy the Union conservative men of the South, and thereby build up a National Union party which will neutralize and destroy the extremists, the disunionists of both sections? * * * If a majority of the people of the North are opposed to yielding what the South declare to be their rights under the Constitution, then shall it be war for the mastery or a peaceful separation—the formation of two confederacies.

✓ “War for the mastery” was, in the opinion of the conservative Democracy, a course not to be entertained for a moment. This party, having no sense of wrong committed by the South, having no concern for the slave, having no cause for which to make a stand in the struggle between the sections, and no scruples against conceding all the demands the slave holders made, were, therefore, naturally and strenuously against what was called a policy of coercion. When, by April 8, 1861, it seemed that the Administration had decided on an aggressive policy, to the extent of attempting to collect Government revenue in Southern ports, the Sentinel said:

War will be precipitated by this conduct of Mr. Lincoln. Is it the object of the Administration to paralyze the efforts of the gallant men of the border slave States, who have been nobly battling for the Union, and force them to unite their destinies to the Confederacy? *We all know, or should know, that there is no hope for reunion except in conciliation or concession.* The most moderate of the Union men of the slave States demand guarantees like those proposed by Mr. Crittenden. The coercive policy of Mr. Lincoln can not be maintained without the cordial approval of the conservative citizens of the North. They believe that this Government can not be maintained by force. They do not believe in the doctrine of an “irrepressible conflict,” but they believe that the States can continue in a Union “half slave and half free.” * * * In the present crisis it is the duty of all patriotic and worthy citizens to withhold aid and comfort from the Administration if it adopts a coercive policy—a policy that can do nothing but confirm our divisions.

The Sentinel rebuked Governor Morton for pledging to Mr. Lincoln 6,000 volunteers from Indiana if he would adopt “a coercive policy” toward the Confederacy.

The people of Indiana [said the Sentinel] do not propose to engage in a crusade against the South for party purposes, to advance the schemes of abolitionists and of the protectionists of Pennsylvania and New England. The Southern States have not trespassed upon the rights of the people of Indiana, nor do they propose to do so. The legislation of the Confederate

States is not inimical to the interests of the Northwest, but in harmony therewith, while that of the Black Republican Congress discriminates against them.

If these expressions were representative of the party (and there is no reason to doubt it), it is evident that the Constitutional Democrats were at the beginning, as they continued to be, a party that favored compromise and concession—that favored peace and reunion in terms to be named by the South.

2. In the second place, the Constitutional Democrats, or the Conservative Union men, as they called themselves, were violently opposed to the antislavery movement. It was because of this that they were ready for almost any kind of compromise with the South. In their view, the abolitionists and the agitation which they had so persistently kept up for a generation were the cause of the war. War had come because of ultraism and sectionalism. The ultras had gotten into power in their respective sections, the abolition ultras in the North, the "fire-eating," secession ultras in the South. The latter had been brought to the front in the South because of the persistent attacks of the disunion abolitionists upon Southern domestic institutions.

Both secessionists and abolitionists, the Democratic organs asserted, should be put down; but it is evident that the greater sympathies of the Democrats were with the South. Their prejudices and greater dislike were directed against the abolitionists and against New England, the nursery of abolitionists. It was the Democratic view that the abolitionists had forced the war upon the South. These abolitionists were "fanatics breathing pestilence from pandemonium, trying to destroy the Union, so as to secure over its broken fragments the emancipation of slaves—the Beechers, the Cheevers, the Phillipses, the Greeleys—monsters who come sneaking to Washington seeking the destruction of slavery." They are "disunionists and should be hung with secessionists in pairs." If it may be said of some abolitionists that they were not willing to save the Union with slavery, of equal truth it may be said of these abolition-hating Democrats that they were not willing to save the Union without slavery. In any case, the rights and wrongs of the slave had no consideration. The party officially resolved (1862) that in considering terms of settlement "we will look only to the welfare, peace, and safety

of the white race, without reference to the effect that settlement may have upon the condition of the African." The party thoroughly believed in the subordination of the negro race to the white, where they both exist together.

This proslavery disposition, voiced in constant and violent denunciations of the abolitionists—and all positive antislavery men were included under this term—is manifest in the Democratic literature of the time. An official document of the party^a refers to Sumner as the "craziest of all the crazy pack of abolitionists." The Sentinel refers to the "fanatical and insane ravings of Thaddeus Stevens," the "madness and recklessness of whose language" reminded the editor of "a monkey playing with fire in a ship's magazine. Such madmen should be sent to an asylum." It was "rabid abolition treason of Boston that urged the arming of the blacks." "He who loves abolition, hates the Constitution and the Union." "We must suppress the rebellion, and, as abolitionism produced it, abolitionism and secession must be buried in the same grave." "An abolitionist is as much a secessionist as any to be found in South Carolina. They abuse each other, but they both unite in laying violent hands on the Government." How those who were seeking to direct the war against slavery were laying violent hands on the Government was not made clear. In this classification of the abolitionists with the secessionists, as equally enemies of the Union, the fallacy is obvious. Though extreme abolitionists had formerly denounced a Union with slaveholders as "a covenant with death and an agreement with hell," and declared that such a Union must be broken up, yet they were opposing a proslavery Union with the force of opinion only, and were during the war loyally supporting the Government and were seeking only in legitimate and legal ways to turn the forces of the Union against slavery, while the secessionists, whom the Democrats were more ready to conciliate and excuse, were opposing the legitimate Government of the Union with arms in their hands. When Greeley suggested that the way to abolish this hated abolitionism was to abolish slavery, the Sentinel indorsed the reply of the Louisville Journal, that from Greeley's logic it follows that "the way to abolish rebellion is to abolish government; the way to

^a "Facts for the People," by a citizen of Indiana, published by order of the Democratic State central committee, July 30, 1862.

abolish thieving is to abolish property; the way to abolish murder is to abolish life; the way to abolish a wrong is to abolish the right on which wrong is inflicted." From this one is left to infer that it was clearly on the ground that slavery was as well founded in right as government and property and life that the Democratic discussion proceeded. It was, after all, this *rightfulness* of slavery in the Democratic view which was at the foundation of the party's attitude toward abolitionism and the antislavery measures of the war.

This proslavery disposition led the Democrats in all their discussion of the causes of the war to lay the burden of blame on the Republicans and the antislavery men of the North. The South was but standing for its rights; the antislavery men of the North were always the aggressors. Even so late as the day following the attack upon Fort Sumter, April 13, 1861, the Sentinel said, under the head lines, "Civil strife commenced," "The abolition war of Seward, Lincoln & Co.:"

Civil strife has commenced. The abolitionists and disunion administration have attempted the coercion of the Confederate States. Such are the first fruits of Republicanism—the end no one can see. Mr. Lincoln will seek to evade the responsibility of inaugurating civil war by charging the overt act upon the Montgomery government. If war was not intended, why was a military and naval expedition fitted out with the men and appliances to reenforce and occupy Fort Sumter at all hazards. This was not a peaceable mission. It was known the demonstration would be an act of war, and the men of the South would have been regarded as mere braggarts if they had not resisted unto death. Their honor was at stake. If they had yielded without resistance, they would have stood disgraced before the world. * * * It must not be forgotten that the Confederate States have made no hostile demonstrations upon the North. They sent commissioners to seek an adjustment of the difficulties, but they were repulsed. The door for reconciliation, compromise, or a peaceful separation was closed against them. The Declaration of Independence is our authority that any State or nation deliberately resolving that its government is intolerable has a right to change it. And the Confederate States, not we, have the right to judge whether our Government is oppressive to them. If we can not live in peace with the seceding States "let them go out." It is better to have them friends out of the family than enemies in it. Such considerations should influence every wise and good man.

In the following issue of April 15 the Sentinel quotes Mr. Greeley's noted article in the Tribune of November 9, 1860, entitled "Let the erring sisters go in peace," and commended it as "sound doctrine now as well as then." "Now," says the Sentinel, "the Tribune has changed front and is favoring

coercive measures. Why has this change occurred? The reason is the protective tariff and their desire to be true to the cotton lords of New England and the ironmasters of Pennsylvania."

3. As this last expression indicates, there was another traditional sentiment that moved the Indiana Democracy. Coupled with this opposition to abolitionism was the old prejudice against New England and the Yankee, perhaps transmitted from the South, and the traditional opposition of the Southern and Western Democrats to the protective tariff. Such expressions as "the cotton lords of New England and the iron masters of Pennsylvania" are of frequent occurrence. The Republicans felt that the Democrats were attempting to fill the hearts of the people with hatred of the Yankees. Whether the Democrats were discussing abolitionism or protectionism, New England and the Yankee were sure to come in for attack. In "Facts for the people relating to the present crisis," published by the order of the Democratic central committee, July 30, 1862, and in other campaign documents, the new tariff policy of the Republicans—the Morrill tariff—was vigorously denounced as being exactly in line with the class legislation that New England had been attempting for the past forty years. Her tonnage and tariff policies were provoking to certain sections of the country; her manufacturing and navigation interests reaped undue profits, while agricultural interests were prevented.^a

"The unfairness of the Morrill tariff is shown in that it reduces the duties on many articles which should have been increased, because of the character of those who use them.

They are commodities which are extensively used by the rich and by residents of our large cities. But the abolitionists in Congress from the Eastern States had the power and used it for their own purposes and that of their section.^b This tariff proceeds from bad to worse and comes to its climax of dishonesty by *removing all duty from many of the imported articles which are used by the New England manufacturers in the prosecution of their business.* At such a time, with such fearful responsibilities hourly increasing, when the nation is putting forth all its strength and jeopardizing its material wealth, when from almost every hamlet in the land the wail is heard above the din of arms and the roar of the cannon for loved ones killed or maimed in battle—can the imagination picture a scene more revolting than that of Congress discussing, for weeks and months, and finally adopting this policy of increasing the semiannual dividends of the East-

^a Facts for People, p. 2.

^b A table of reductions is appended.

ern manufacturers and at the same moment throwing additional burdens on the working classes of the people."^a

Mr. Hendricks spoke frequently and publicly of the common interests, commercially and materially, which bound the Northwest to the South, speeches on which his political opponents based the charge that Hendricks and his party were looking toward a Northwestern confederacy for alliance with the South, with the purpose of leaving New England and the Eastern States to themselves. The Democratic press and leaders constantly denied that such a design existed, and I know of no reason to believe that it did exist, unless it were held in reserve for the possible emergency of Southern success and independence. But the suggestion expressed a very common friendliness toward the South, a common hostility to New England. The Democrats of Indiana were constantly teaching that the politics of New England were noxious and that her material interests were constantly being promoted by government at the expense of agricultural States like Indiana. This feeling is accentuated in a campaign address by the "Committee of Thirteen of the Sons of Liberty," supposed to have been prepared by Mr. John C. Walker, one of the editors of the *Sentinel*, which was distributed through the State by the campaign committees and agencies of the Democrats.

"It was the fanaticism of New England that caused the war with the Southern States and brought desolation and sorrow to the hearthstones of our people. She ransacks the entire country for negroes to fill her quotas in the Army, and while crying for a vigorous prosecution of the war fattens on the blood of Western men. The tariff increases the wealth of New England at the expense of the West. She retains as far as possible her white men at home to manufacture goods for the Army, and redoubles her profits every year the war continues. When the war shall be ended, three-fourths of the Government debt, \$3,000,000,000 in 5 per cent and 6 per cent gold-bearing bonds, will be piled up in New England. These bonds, which cost the holder less than 40 cents on the dollar, and as a consequence pay 15 per cent interest in gold on the investment, represent New England's profits in the war for the emancipation of the negro. The bonds pay no taxes. Three thousand millions of property in New England accumulated by profits in the war which has impoverished the Northwest, will pay no taxes toward liquidating the public debt. But the people of the West will pay taxes on all the property they own. What they buy and what they sell, what they eat and what they wear, what they inherit and what they produce—all will be taxed. The time will come, with pay day, when the Western man will be required to set apart every third part of the product

^a Address of Democratic central committee, July, 1830, in report of mass convention.

of his labor, every third bushel of the produce of his field, every third ox, ass, horse, sheep, and hog to supply the demands of the taxgatherer. His lands, his houses, the bones and muscles of his children will be mortgaged to pay the interest on the debt held in New England, the pestilential source of all the fanaticism, all the proscription, all the bigotry that has cursed the country since the days when the Puritans burned old women for witches and banished Roger Williams for his religious opinions."

4. Besides being for compromise and concession toward the South and against abolitionism and protectionism, and as a consequence, against New England as the source of these woeful heresies, the Democratic party in Indiana professed to stand for the vindication of the Constitution. In the conduct of the war the Constitution was to be their chart and constant guide. In all their arguments their constant appeal was to the Constitution. Whether or not the measures of the Administration were politic or wise, it was certain in the Democratic view that they were unconstitutional. The Democrats stood, partly from principle and tradition and partly from force of circumstances, as a defender of the individual against the impositions of government and as a defender of the rights of the States against centralized power. On this it based its claim to be a legitimate opposition. The Democratic party has been traditionally, at least throughout most of its history, a party of opposition. Party discussion in Indiana during the war shows that in this period it was exclusively so. As the basis of its opposition to all the measures of the Administration, it appealed to the Constitution. This was the party's constant bulwark of defense. Its teachers and leaders were thoroughly wedded to and were constantly inculcating the doctrines of the Constitution taught by the Virginia and Kentucky resolutions, adherence to the rights, sovereignty, and independence of the States, and resistance to the increase of centralized authority. Harrison H. Dodd, an extreme copperhead, but whose political doctrines, as expressed in the following extract the Sentinel publicly indorsed, took occasion to deny in a public speech that Democratic opposition to the war was inspired by their attachment to slavery. That opposition, he asserted, was based on constitutional grounds.

"So far as I am concerned [said Dodd] I am opposed to this war, and have been every day, hour, and minute since its inauguration, and stand ready to stop it if it were in my power to-morrow, upon the basis of the sovereignty of the States as contradistinguished from a centralized

power sufficient to reduce the States to Territories by any process and for any purpose. For myself, I am a firm believer that the relation of master and slave is the only practical and philosophical condition of blacks and whites when placed together on this or on any other continent. But many who do not so believe stand firmly opposed to this war, because though leveled ostensibly against slavery it is really leveled against sovereignty. At the same time it is engendering a central power not warranted by the Constitution and dangerous to liberty."

The Democrats in their literature constantly reiterated that they were for the Union of the fathers, the Union of the old Constitution. They demanded that the war be conducted in accordance with the principles of the Constitution strictly applied. They were for peace and reunion at the earliest practicable moment, but the restoration should be on the terms of the Federal Constitution "with all the rights and guarantees of the several States unimpaired," an expression which Morton denounced as a stereotyped form of speech for the preservation of slavery. Sumner's doctrine that the Constitution was made for peace, not for war; that war makes law for itself and must be conducted according to the laws of war and not according to the Constitution; that war, born of violence, looks to violence for victory and discards all limitations except such as are supplied by the rights of war,—such a doctrine made these defenders of the Constitution white with rage. It seemed to them merely a doctrine set up to enable the ultras to evade the Constitution and abolish slavery. To Horace Greeley's suggestion that he "was for the Union as it was under the Constitution, if it could not be improved;" but he "greatly preferred the Union as it ought to be," the Sentinel replied that this means that—

"Greeley and his tribe think the old Union can be improved upon, and that the way to bring about improvement is to engraft all the doctrines of abolitionism upon the parent stock—emancipation, negro equality, negro suffrage, and, whenever possible, negro office holders."

To the Chicago Tribune's suggestion that in the war the nation was fighting for its life and that in such a struggle the Constitution was not intended and should not be used to hamper and defeat that great end, the Sentinel replied, indorsing an editorial from the New York Journal of Commerce:

The Constitution is the nation. The Constitution is the Republic. The Constitution is the Union. The Constitution gone, the Republic is dead.

The man who holds that the obligations of the Constitution are at an end can not be a loyal supporter of the Union. If the Constitution is not binding, against what are these men rebels? We are fighting for the Constitution, and for that alone. All other objects of the war are delusions.

When it is remembered that the Sentinel only a brief year before was willing to throw the whole Constitution over and take in its stead the Confederate constitution adopted at Montgomery, it will not be surprising if the historical student is led to suspect that such fidelity to the Constitution was not inspired so much by a desire to preserve that "matchless instrument," as Democratic speakers were in the habit of calling it, as by a desire to embarrass the Republican war administration and to defeat antislavery ends.

Turning from the general character and opinion of the Democratic party, we notice the public measures and policies on which the opposition joined issue with the Administration.

1. In the first place, the Democrats accused the Republicans of making use, for party purposes, of the universal devotion to the Union. The plea of the Republicans and their allies, the War Democrats, that all party should be forgotten in this emergency was denounced by the conservative Democrats as a "no-party dodge." In their eyes this "no-party party," as they called it, was merely an hypocritical pretense of the Republicans by which they hoped to take to themselves the spoils of office and perpetuate their own power. William H. English, in a letter to the Sentinel (June 28, 1862), warned the faithful against the no-party trap, set by men devoted to unscrupulous and vindictive warfare against the Democratic party.

"The same trap," said English, "had been periodically set for years; for it is notorious that combinations of odds and ends of other parties under various pretexts and names had been arrayed against us at almost every general election."

English voiced the uniform message of the Democratic leaders that Democrats should avoid fusion with Republicans and Abolitionists in the so-called "Union Party" of Indiana. The State platform of the Democratic party in 1862 ridicules the Republicans for hypocritically pretending "to sacrifice party platforms and organizations upon the altar of their country." The partisan character of appointments shows the insincerity of this pretense.

"If a mountain of war debt, paralysis of commerce, embezzlement on a gigantic scale; if the fruits of our labor are to swell the profits of the merchant princes of the East; if despotic interference with the liberty of the press and of persons are desirable, *then fuse*. The Abolitionists are hostile to the South. Friendly relations may be restored only by restoring the Democratic party to power. Abolitionism is the dominant element of the Republican party. * * * By fusion we become its abettors." (W. M. McCarty, of Shelbyville, in the Sentinel, June 20, 1862.)

Mr. Julian, for a part of the Republicans, denounced and despised this catering to the Democracy. He would send the "Copperheads" across the lines and would have Democrats become Republicans if they wished sincerely to stand by their country.

But the Conservatives held that safety demanded the reorganization and maintenance of the Conservative National Democratic party, for the vindication of the Constitution and as offering the only hope of a constitutional basis for a restoration of the Union. Their policy, they asserted, would save the Union; the Republican policies would divide and destroy it. While Democrats at the opening of the war had "in good faith, for the time being, cast aside party feeling, their old political foes had availed themselves of the opportunity to put in force measures that had been repudiated by the people."^a These Conservatives, in defending their right to a party existence, put forward prominently in their professions their attachment to the Union. The Sentinel kept standing at the head of its editorial columns Jackson's historic declaration: "The Union must be preserved." The party called itself the "Union Democratic" party; its State and local conventions, its platforms and tickets were all announced under that name. The lines on which this Conservative Democracy would base their party and join issue with the Administration are seen in the series of measures by which the party in power was turning the war for the Union into a war for the abolition of slavery. This was the general issue constantly urged by the Democrats. Their ever-present watchword was: "The Constitution as it is, the Union as it was." The official platform of 1862 condemned the twin heresies, Northern sectionalism and Southern secession.

Both are radical enemies of the Constitution and the traditions of Democracy. The war should not be one of conquest or subjugation, but

^a Facts for the People.

should be solely for the maintenance of the Union. The war for the Union and the Constitution is just. But we condemn a war for the emancipation of the negroes or the subjugation of the South.

Similarly, the official call for the Democratic mass convention for July 30, 1862 (*Sentinel*, June 28), bore the familiar headline: "The Constitution as it is, the Union as it was." It calls upon the Democracy of Indiana, the true friends of constitutional liberty, and all who desire to preserve the Constitution, to come together to consider the new issues which have been recently forced upon the country by the party in power, measures which have no warrant in the Constitution and which are opposed to the spirit and purpose of our institutions; to insist that the war in its prosecution should be confined to the policy solemnly set forth by Congress in July, 1861, namely, that it is—

"not waged in a spirit of conquest or subjugation, nor for the purpose of overthrowing or interfering with the rights or institutions of the States, but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; and to assure the Administration that a generous support will be given it, as the representative of the Government, in all necessary, prompt, and vigorous measures to overthrow armed rebellion against the Union, to sustain its legitimate authority, and crush out abolitionism, which is equally as hostile to the Constitution as secessionism."

Then follows a recital of reasons for the call:

1. The Administration and Congress and the recent Union State convention in Indiana had "failed to announce what are the legitimate and proper means to put down the rebellion, and one and all have refused to even censure, much less condemn, the disunion scheme of the abolitionists."

2. The late Union convention had failed to repudiate the gross frauds and corruptions proven upon the party in power.

The other reasons consist of a recital of certain antislavery measures which the Democrats consider improper means of conducting the war, and the call closed with the following campaign appeal:

"In order that the people, the source of power in all constitutional governments, who sincerely desire to perpetuate the Union, as founded and administered by our patriotic fathers, may have the opportunity to condemn these unconstitutional measures; to express their sympathy and their determination to support the Administration in every legitimate

effort to crush out treason where'er it may rear its head; to uphold the rights and institutions of the States unimpaired; to say to those in authority, the servants of the people, what are the legitimate and appropriate means to put down this rebellion; to condemn fraud and corruption and all unconstitutional, illegitimate, and unnecessary measures calculated to weaken instead of strengthening a love and respect for the Union; to restore a wise, just, pure, equal, and beneficent administration of the Government such as the people desire; and to renew the pledge made by the last Democratic State convention in behalf of the Democracy of Indiana, namely, 'That we will sustain with all our energies a war for the maintenance of the Constitution and of the integrity of the Union under the Constitution; but we are opposed to a war for the emancipation of the negroes or the subjugation of the Southern States.'

"All who desire to see the Stars and Stripes float over every inch of American soil in liberty, fraternity, and equality; all who insist that the Government shall have a fixed policy in the prosecution of the war, known to the whole country; all who sympathize with the 60,000 sons of Indiana who have volunteered and are in the field to defend and maintain the Constitution and the Union, and who wish to see them relieved from their arduous duties and exposure of health and life in defense thereof by a prompt suppression and restoration of the Union not only in name but in essence; all who wish to preserve constitutional liberty, and the integrity of the Government under the Constitution, are invited to attend the proposed convention and cooperate in the attainment of these objects."

No exception will be taken to these general purposes or to the professions thus eloquently made of the end in view. But as to the means employed to accomplish this desirable end, and as to other Democratic beliefs and purposes not thus publicly and officially expressed, quite a bill of exceptions has been filed.

The policy of the Democrats was to hold the Administration : strictly to the Republican platform of 1860 and the Crittenden resolution of July, 1861. These guaranteed the maintenance : inviolate of the rights of the States and no interference with : their domestic institutions. The wrong of secession, the out- : break of war and its woeful continuance made no difference in Democratic political ideas or in the policies that were to be applied. Interference with slavery should not be either an accompaniment, an incident, or a result of the war. Hateful abolitionism that had caused the war was now not willing that it should be conducted on the only platform on which the friends of the Union could be kept united and on which alone the Union could be restored—the platform of the Constitution and the rights of States.

"Congress, instead of calmly considering the ways and means of getting out of all our difficulties, and feeding white men called into the service as soldiers, have turned their halls into places of meeting for two negro debating societies, in which abolition members vie with each other in inventing ways and means to benefit the negro, to feed him when he has run off, to clothe him, to liberate him, to arm him, to open schools to educate him, to place him on an equality with the white man." ^a

Thus, from the time all parties had rallied to the support of the Union a year had not passed before the abolition party raised its hydra head for the production of a series of measures which were calculated further to rend rather than to restore the Union.

Following the course of events, and from a study of party platforms, official campaign addresses to the voters, and speeches from the stump, we find the following "abolition" measures upon which the Democracy antagonized the Administration:

1. The abolition of slavery in the Territories.
2. The abolition of slavery in the District of Columbia.
3. The proposed confiscation of slave property. This was an interference with property rights and with the domestic institutions of the States, in violation of Republican platform pledges.
4. The military annulment of the fugitive-slave law.
5. The scheme for compensated emancipation, by which burdens of taxation would be imposed upon the labor of the North for generations to come.
6. The emancipation proclamation of Mr. Lincoln. This was but to incite to slave insurrection and would lead to savage slaughter.
7. Arming the blacks. This was but to admit that white men could not subdue the rebellion. It would equalize the white soldiery with the negro and invite the negroes to the slaughter of their masters.
8. The passage of a law permitting the testimony of negroes in certain cases against the whites.
9. The repeal of the law against the transportation of the mails by negroes.
10. The passage of a law recognizing as our equals the negro governments of Liberia and Hayti.

^a Facts for the People, p. 7.

11. Many speeches in Congress in favor of abolition.

12. Wild schemes of negro philanthropy; establishing free schools for the education of the blacks; supporting runaway negroes in idleness, and in agricultural experiments with negro labor, all at the expense of the people.

All these abolition schemes of emancipation and confiscation were declared to be in violation of the Constitution, inconsistent with the policy of the Government, solemnly declared in the Crittenden resolution; against sound political economy and against the dictates of humanity.^a

To all these negro-loving schemes the Democrats were opposed. They would have no "nigger war."

To these issues on slavery should be added:

1. Opposition to the tariff policy of the Republicans.
2. Opposition to the financial policy of the Administration.
3. Opposition to the draft.
4. Opposition to the Administration's foreign policy, including its settlement of the Trent affair.

This reveals a party attitude that seems purely negative. It seems to show that the Democratic policy was distinctively a policy of opposition.

Had the party no positive constructive policy to offer?

It is well to note the positive plan the Union Democrats proposed for saving the Union. If coercion, subjugation, and war were to cease, if those who were opposing the authority of the Union with bayonet and ball were not to be subjugated, how was the Union to be restored?

On this the Democratic State platform of 1862 asserted:

The maintenance of the Union on the principles of the Constitution can be brought about only by the ascendancy of a Union party in the South which by a counter revolution shall displace those who control and direct the present rebellion. No effort to create or sustain such a party can be successful which is not based on a definite settlement of the question at issue between the two sections. We therefore demand that some such settlement be made by additional constitutional guarantees, either initiated by act of Congress or through the medium of a national convention.

This, of course, was to treat with the rebellion. Subjugation was used in contradistinction to a treaty arrangement. What prospect was there of the cooperation of a Union party in the South? The plan involved not only the existence and

^a Call for mass meeting, Sentinel, June 28, 1862.

cooperation of such a party, but its success in bringing about a counter revolution. Mr. Rhodes, the historian of this period, is quite justified in his moderate condemnation of this proposal.

"One fact," says Mr. Rhodes, "the Democracy ignored, that peace was impossible unless the Southern Confederacy was acknowledged and a boundary line agreed upon between what would then be two distinct nations. They pretended to a belief, for which there was absolutely no foundation, that if fighting ceased and a convention of the States were called the Union might be restored."

The Democrats should have seen that the South would never consent to the Union as it was. The evidence of this was to be seen in every voice that came from the South. Here is a representative expression from the Richmond, Virginia, *Enquirer* published while the Indiana "Peace Legislature" was in session in 1863:

"We are happy to learn that some of the Northwestern States are sick of the war. This is a wholesome state of feeling and must produce the fruits of disorganization and discouragement among the Northwestern troops. But let us not mistake the case. Let the Northwestern States who are sick of the war be told when they accredit commissioners that the first thing for them to do is *to call back their forces to their own country*; that then we will be willing to make treaties with them, but as to a union with the confederacy under the old flag or any other they come two years too late. Two years and an abyss of horror and hatred and the blood of our slaughtered brothers crying aloud from the ground all prohibit the impious union. If they repudiate the debt they have contracted and abandon the Government they have established and recant their vows and break their pledges and eat dirt it is well; and although we shall not exactly respect the actors in that affair, yet we shall not be unwilling to trade with them—holding our noses a little—and to show them all suitable civilities, but at a proper distance."^a

Statesmanship has been called the "science of circumstances." In the face of such circumstances what shall we say of the Democratic proposal for saving the Union by a cessation of arms? If we admit their sincerity of purpose we must impeach their wisdom and common sense. Their opponents, however, gave them credit for adroitness and cunning, but doubted their loyalty to the Union and the purpose which they professed, and the Republican conviction was that the triumph of such a party as the Indiana Democracy would have

^aCopied by the New York Times, February 20, 1863.

resulted in the dismemberment of the Union. The best that can be said of this peace proposal is that it was well meaning but visionary and impracticable. Its advocacy resulted only in obstruction and harm. The patriotic Democrats—and no one questions that there were thousands of them in Indiana—should have seen that a reunion with slave States had been made impossible by the extent of the rebellion, and in the face of the impending danger to the national integrity they should have subordinated their opposition to the antislavery measures of the Administration and should have recognized that the terms of settlement and reunion could be determined only by the national will after the vindication of the national authority.

The arguments and pleas and appeals by which the Democrats sustained their opposition to the measures of the Administration are interesting and suggestive, but the limits of this paper will not permit me to present them here. One appeal against Mr. Lincoln's proposal for compensated emancipation will serve for illustration. A campaign document issued by the Democratic State central committee, after showing that the proposal was, of course, unconstitutional, proceeded to demonstrate, in the second place, that the measure would pile up a debt that the country would never be able to pay. It would cost \$1,200,000,000 to free the slaves, and as it was unthinkable that they should be freed and left in the country, it would cost \$400,000,000 more to export them. This, added to the debt accumulating by the war, estimated at \$1,400,000,000, would present an appalling sum. The annual interest on the bonded debt contracted for the slaves would be \$96,000,000.

"Reader, have you a conception of a million? Ninety-six millions is about the distance in miles from the earth to the sun. A locomotive traveling from the sun to the earth at 40 miles an hour would require four generations to arrive. Our great grandchildren would not live to greet it. To haul this load of annual interest would require 2,650 two-horse wagon loads of silver, 1 ton each, and this would be the annual tax we should pay to the slaveholders of the South. A beautiful sight it would be to see each year the blood and toil and sweat of the white men of the North gathered into a wagon train 14 miles long as our tribute to the fell demon of abolition. May God, in his infinite mercy, save us from such a fate and such a sight."

A voice from the "Sons of Liberty" may indicate the temper of the extreme Democratic faction--the "Copperheads"--whom moderate and loyal Democrats found it necessary at times to restrain and who gave the administrations of Lincoln and Morton no small annoyance.

H. H. Dodd, to whom we have previously referred, was grand commander of the "Sons of Liberty" of Indiana. In an address before a convention of the society February 16, 1864, speaking for his compatriots of this secret order, Dodd said:

"The great principle now at issue is the centralization of power, or the keeping it diffused in State sovereignty, as it is by the organic laws constituting States and forming the General Government.

The creation of an empire or republic, or the reconstruction of the old one by brute force is simply impossible. The liberation of 4,000,000 blacks is a scheme which can only bring its authors into shame, contempt, and confusion. No results of this enterprise will ever be realized beyond the army occupation.

Ours is the noble work of preserving the States from ruin and the races from intermixture. In the long campaign against the mass of error, corruption, and crime now thickly spread over and through the body politic, our views must not change with victory or defeat. * * * We must not stand aloof from political alliances. Our political affinity is unquestionably with the Democratic party, and if that organization goes boldly to the work, standing firmly upon its twice-honored principles, it will receive the moral and physical support of this widely extended association.

The great boast of the Democratic party has been that it has met and beaten back the party of centralization since the formation of the Union, and although it has never ordained any principles in regard to the status of the inferior races, it has always regarded slavery as a local matter, leaving it to the States to regulate as a domestic institution in their own way.

There need be no apprehension that a war of coercion will be continued by a Democratic administration. With the experience of the present Administration, which has for three years, with the unlimited resources of 18,000,000 of people in men, money, and ships, won nothing but its own disgrace and probable downfall, it is not likely that another will repeat the experiment.

Governor Seymour should be arraigned for allowing the exercise of usurping Federal authority within New York. The Democratic party of Indiana, too, is a culprit. A Senator, by the mean and contemptible action of a majority of the United States Senate, was wrongfully and maliciously expelled from his seat. The legislature plainly acquiesced in this insult to the State and the party by refusing to return him. Again, our cherished Vallandigham resides in exile, not so much by the power of Lincoln as by the demands of those who are controlling or did control the Democratic party of that State.

This organization is bound to oppose all usurpations of power. We find our State and Federal Governments overturned. Lincoln's government is a usurpation. Morton's government is a usurpation. I am willing the ballot box shall decide who shall be the officers under the law and the Constitution, but I shall obey them only so far as they exercise their delegated powers. I will not agree to remain passive under usurped authority affecting my rights and liberties. The future to you and to me is death, confiscation of our property, starvation of our children, the forced marriage of our heirs to their new-made colored brethren-in-arms. * * * If these men be prolonged in power they must either consent to be content to exercise the powers delegated by the people, or, by the gods, they must prove themselves physically the stronger. This position is demanded by every true member of this fraternity. Honor, life, aye, more than life, the virtue of our wives and daughters, demand it, and if you intend to make this organization of any practical value, you will do one of two things—either take steps to work the political regeneration of the party with which we are affiliated up to this standard, or, relying upon ourselves, determine at once our line of action.

Shall men be coerced to go to war for emancipation, miscegenation, and confiscation? It would be the happiest day of my life if I could stand up with any considerable portion of my fellowmen and say, Not another man, not another dollar, for this nefarious war."

The worthy commander then called upon the "Sons of Liberty" to arise.

"The day is rapidly approaching in the which you can make good your promise to your country. The furnace is being heated that will prove your sincerity; the hour for daring deeds is not distant. Let the watchword be 'onward.' "

The Democrats carried Indiana in 1862, electing both their State ticket and the legislature. This legislature elected two Democratic United States Senators, one of them to fill out the unexpired term of Bright. The conduct of the Democratic peace legislature, the measure of its opposition to the war, its antagonism to the State administration of Governor Morton, the influence of arbitrary arrests in the State, the influence and extent of secret political societies, the arrest of Dodd and his prosecution, the treason trials, and especially the Milligan case, which was one of the most important in the Constitutional history of the country, all these themes are suggestive of valuable studies in Indiana history during the civil war. But the extent to which this paper has already been carried will not permit of their consideration in this paper.

X.—AMERICAN BUSINESS CORPORATIONS BEFORE 1789.

By SIMEON E. BALDWIN, LL. D.

AMERICAN BUSINESS CORPORATIONS BEFORE 1789.

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The title of this paper requires a definition of the terms employed, for the subject must necessarily be examined from a statistical standpoint, and statistics are of little value unless the basis upon which they are made up is stated with some precision.

The phrase "Business corporation" will be employed to denote only corporations formed primarily to promote business enterprises, either by the investment of money as a productive capital or by encouraging and facilitating such investments on the part of others.

The term "American" is used in accordance with its conventional acceptation in this country, as restricted to what pertains to territory included within the limits of the United States.

The year 1789 has, of course, been selected as the close of the period to be considered because from that time on the country came under the influence of new social and political conditions.

It was a year marked by two events as one of the great dates of world history. The States General of France were convoked, after a slumber of a century and a half, to begin for Europe the work of pulling down the ancient forms of centralized authority. The First Congress of the United States, at the same time, was assembled at New York—a Congress which also exercised the functions of a constitutional convention—to begin for the United States the work of building up a new form of centralized authority—that of a strong central government, with a narrow field, side by side with

many strong local governments, each with a wide field. For Americans 1789 is the year when a uniform continental system of political administration was first set up with powers adequate for the due protection of rights of person and property.^a

During the colonial era all large business enterprises had been checked by our dependence on a country whose commercial interests were thought to be antagonistic to our own. The first years of our political independence had been spent in making independence secure. Then came as many more, darkened and confused by differences and rivalries between the States. Not until the new government under our present Constitution came into active operation, in the spring of 1789, was a fair field open for the permanent investment of capital in large operations, with such an assurance of safety as could command general public confidence.

There is but one mode in which such operations can be conducted with lasting success. It is through some form of corporate organization. There must be a franchise from the State.

A business corporation consists of one or more persons authorized by law to use the name and trade at the risk of another person.^b This other person is an artificial one, into the hands of which is placed the precise amount of money which those who compose it are inclined to put at hazard. If it uses its talent well and makes a profit, they share it among themselves. If it proves an unprofitable servant and can not pay its debts, they lose, under the principles of the common law, only their original investment, and its creditors lose the rest. Nor is this unjust, for the creditor knew from the first that this artificial person could bind no one but itself.

The joint stock association, not unfamiliar in our colonial history, such as the Massachusetts land banks, traded under a company name, but it was not the name of another person. It was not the name of any person, natural or artificial.

The statistics upon which this article is based are mainly

^a See John Marshall's observations on this point in his *Life of Washington*, V, 87.

^b For a full discussion of the necessary personality of the business corporation, from standpoint of the civil (or modern Roman) law, see the article by Professor Vivante "La Personalità giuridica della Società commerciali" in the *Rivista di Diritto Commerciale*, I, 1.

derived from one of the recent series of Yale bicentennial publications,^a and they show that it was but a small part that the business corporation played in our industrial life before the adoption of the Constitution of the United States.

During the days of colonial government there were but six of these, in all, of strictly American origin or character. They came in this order:

	Year.
1. The New York Company "for Settling a Fishery in these parts".	1675
2. The Free Society of Traders, in Pennsylvania.....	1682
3. The New London Society United for Trade and Commerce in Connecticut	1732
4. The Union Wharf Company in New Haven.....	1760
5. The Philadelphia Contributionship for the Insuring of Houses from Loss by Fire.....	1768
6. The Proprietors of Boston Pier, or the Long Wharf, in the Town of Boston in New England	1772

A corporate character has sometimes been attributed to certain associations of the kind to which reference has been made, formed under a company name for business purposes in the seventeenth century. There seems, however, no sufficient evidence that any of these were more than great commercial partnerships. There can be no incorporation without authority from the sovereign power or from some one intrusted by the sovereign power with the right to grant such authority in its behalf. There can be no business corporation, in the ordinary and proper sense of that term, without a voluntary acceptance of corporate privileges so granted for business purposes.^b

In the foregoing list of colonial charters none have been included that were granted directly by the home government. That of the Massachusetts Bay Company, out of which soon grew the colony and Province of Massachusetts, was an example of one type of these; the monopolistic charters of the Hudson's Bay Company and the Ohio Company of another.

At the opening of the eighteenth century there were but three joint stock companies under full charters for purposes of foreign commerce existing in England.^c America claimed

^a Two Centuries Growth of American Law, 296-311.

^b Op. cit., 266-272.

^c Anderson, Hist. of Commerce, II, 598.

one—the Hudson's Bay Company. This had a Crown charter from Charles II, confirmed (though for only seven years) by act of Parliament in 1690.^a

The Ohio Company, composed partly of Englishmen and partly of Virginians, was chartered in 1749 to promote a land speculation, and the Virginia assembly was compelled by the home Government to make it a grant of 600,000 acres.^b The Susquehanna Company, formed about the same time (1743), that made the settlement at Wyoming out of which grew the short-lived town and probate district^c of Westmoreland in Connecticut, had no charter,^d although they sought one from the Crown, and with the full consent and approval of the Connecticut legislature.^e Like almost all the land companies of the eighteenth century, it was a mere partnership.^f Some of these had nearly a thousand members; others only two or three.^g

There were numerous instances of the incorporation or quasi incorporation by the colonies of proprietors of lands for the purpose of improving their property by concerted effort. The earliest of these occurred in Massachusetts in 1652, when thirteen owners of land upon Conduit street in Boston were incorporated (though with no company name) to enable them to supply houses on that street with water. Each had an equal share in the undertaking, which was successfully prosecuted.^h Many quasi corporations of more importance were subsequently formed in other colonies to promote the drainage of low lands.

Several "marine" societies were also incorporated in the interest of navigation, the main object of which was to bring seamen together in a friendly way for mutual aid and assistance in case of need. These I have regarded as social rather than business corporations. The Province of Massachusetts

^a Winsor, *Narr. and Critical Hist. of America*, VIII, 5, 9. Another American charter had been granted, in 1672, for "The Company of Merchants of London Trading to Greenland," but little was ever done under it.

^b Winsor, *Op. cit.*, V, 570; Hildreth, *Hist. of the U. S.*, II, 433.

^c *Session Laws of Conn.*, 1775, p. 411.

^d *The Susquehanna Title Stated and Examined*, 83-85.

^e *Conn. Col. Rec.*, X, 878.

^f See Abraham Bishop, *Georgia Speculation Unveiled*, 43.

^g Documents accompanying the Report of the Commissioners on the Georgia Mississippi Territory, 1803, pp. 29, 48.

^h Davis, *Corporations in the Days of the Colony*; Publications of the Colonial Society of Mass., Vol. I.

incorporated three such.^a The first of these acts directed the governor to issue a charter under the seal of the province. He had doubts as to his power to do this, and the question was ultimately referred to the official solicitor or counsel of the lords commissioners for trade and plantations, Richard Jackson. His opinion, given in 1774, was that as both the colonial and the provincial charters conferred full powers of legislation this included a power to incorporate.^b Mr. Jackson was a dissenter, owned lands in New England, had been the colonial agent of Connecticut, and had recently received the degree of doctor of laws from Yale College, a corporation chartered by that colony.^c The point in dispute could hardly have been submitted to one whom circumstances would more naturally dispose to a favorable judgment. A very different opinion had been announced by the Crown lawyers in the preceding century, when the incorporation of Harvard College was set up as one of the grounds for vacating the Massachusetts charter.

Of the six colonial incorporations in the list which has been given, two belong to the seventeenth and four to the eighteenth century.

The first, dating back to 1675, a New York Fishing Company, was chartered by the governor and council of New York, acting for the Duke of York under the liberal terms^d of his patent of 1664. The capital stock was divided into shares of the par value of £10.^e This was under the administration of Governor Andros. Governor Dongan, in 1684, was authorized to promote the formation of another to engage in the Eastern fisheries at Pemaquid, and as he subscribed £100 in the name of the duke to the capital stock of such a company, there being other subscriptions to the amount of £2,400 more, it is probable that a charter of incorporation was granted, but it does not appear that any organization was ever effected.^f

The Free Society of Traders in Pennsylvania was chartered by Governor Penn, soon after he obtained his patent, and

^a In Boston, Salem, and Marblehead.

^b Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay, III, 708; V, 191, 288.

^c Literary Diary of Ezra Stiles, I, 315, 412; III, 266.

^d Doc. relating to the Colonial Hist. of N. Y., II, 296.

^e Id., III, 234.

^f Ibid., 349, 355.

received extraordinary privileges. It was in furtherance of a scheme for a land as well as a trading speculation, and the corporation was invested with the lordship of the manor of Frank, and the right to have three representatives in the provincial council or assembly.^a

The subscription agreement was drawn up in March, 1682, in London, where the patent or grant of incorporation had been issued,^b and the first officers were elected there;^c but it was to be distinctively an American company,^d with its seat at the capital of Pennsylvania, where all its meetings after the first were forever to be held. A capital stock of £5,400 was subscribed under date of April 26, 1682.^e At all meetings subscribers for £50 were to have one vote, those for £100 two votes, and those for £300 or over, three votes; provided that no one could cast over one vote unless he resided in Pennsylvania or owned 1,000 acres of inhabited land there.

The articles of association under the patent provided that the first general assembly held in Pennsylvania should be asked to ratify it. Of that assembly, which met in December, 1682, Dr. Nicholas More, the first president of the society, was chosen speaker,^f but it does not appear from its records that any application was made either then or later for any such legislation.^g The society had evidently settled on a different course.

Governor Penn had made large sales of lands in his new province early in 1682. After the society had been incorporated, and shortly after the grant of the provincial charter of April 25, 1682, the leading purchasers of these lands had met in London (on May 5, 1682) and, with his consent, had adopted certain provincial "laws." One of the articles (Art. XXXI) expressly ratified the charter of the society. Another provided that none of these laws should ever be altered except by the concurrence of the governor and six-sevenths "of the

^a *Two Centuries Growth of American Law*, 305; see, also, *Colonial and Provincial Laws of Penn.*, 473; *Pa. Stat. at Large*, Ed. 1899, III, 345. *Col. Rec. of Pa.*, II, 154, III, 158.

^b *Minutes of the Provincial Council of Pa.*, I, 40 (art. 31); Hazard, *Register of Pa.*, I, 396.

^c May 29, 1682.

^d It styled itself the Free Society of Traders in Pennsylvania. Winsor, *Narrative and Critical History of America*, III, 498.

^e *Pa. Magazine of History and Biography*, V, 37; XI, 175.

^f *Collections of Hist. Soc. of Pa.*, I, 196. Winsor, *Narrative and Critical History of America*, III, 485.

^g The records of the early assemblies are incomplete. *Votes of Assembly*, I, 60, Appendix, xiv.

freemen met in provincial council and general assembly."^a After this the free society was free of the assembly.

On the last day of the first session of that body a debate arose "touching the power of the Society of Traders in Philadelphia," which resulted in the appointment of two members of the assembly to confer with the governor as to Article XXXI,^b but nothing came of the attack. His eldest son and many of his friends were large stockholders; the society itself had bought 20,000 acres of land from him,^c and the money which it proposed to invest in the new settlement made it a valuable auxiliary in the development of his commercial plans.

Like most trading companies, its promise was greater than its performance. A letter from James Claypoole, its first treasurer, written from London to his brother, on July 14, 1682, speaks with great confidence of its flattering prospects, and assures him that he can safely recommend its shares as an investment. "We could very well," he writes, "employ 20,000 pounds." * * * "It may come to be a famous company."^d A great trade with the natives was anticipated, and this letter refers to a missive to be dispatched by order of the society by a special messenger, bearing suitable presents, to the "Emperour of Canada." This document had been already prepared. It was written on parchment, under the seal of the society and the hand of the president, at London, on June 19, 1682, and begins thus:

FRIEND: I have sent you this Letter and Messenger to let you know that I am elected President of the Free Society of Traders of Pennsylvania and, as I am such, have the Power and Free Consent of all these good men to treat with you, your Kings, and your people in all things pertaining to Trade.^e

The society secured 400 acres of land within the city liberties of Philadelphia. Part of this ran from river to river, fronting on a street near where Pine street now is.^f It set up,

^a Poore's Charters and Constitutions, II, 1526; Votes of Assembly, I, xxxv. The assembly, however, did reenact at least one of these laws, which were styled in its records the "printed constitutions" in contradistinction from certain proposed laws styled "written constitutions."—Ibid., 5.

^b Votes of Assembly, I, 4.

^c Pa. Archives, I, 44.

^d MS. letter book of James Claypoole in library of Pa. Hist. Society. It was begun in London and finished in Philadelphia.

^e Hazard, Register of Pa., I, 394, 397.

^f Proud, Hist. of Pa., I, 191, 246, 264; Lewis, Essay on Original Land Titles in Phila., 109, 118, 170.

in 1683, a tannery and gristmill, and in 1684 a sawmill and glass factory.^a No manorial rights were even exercised^b and the provincial charter of April 25, 1682, made no provision for representation of the society in the provincial council. The first session of that body was held on March 10, 1683, and it is significant that at the next, two days later, "Nicholas Moore, President to y^e Society of Free Traders in this province," was brought before it on a charge of having said in a public house that at the first meeting the council had broken the charter and might be impeached for treason.^c He denied having said quite this, but evidently had come dangerously near it, and it is not improbable that one of the causes of his remarks was dissatisfaction at the manner in which the charter of the society had been disregarded in the second charter and in the composition of the council.

What of its capital stock did not go into land was invested in cargoes of English goods. They were sold at a great profit, but on trust. The purchasers failed to pay, and on May 29, 1684, the treasurer of the society (who was a Quaker and opposed to lawsuits) wrote that "we have neither credit nor money, and now must sue people at law or be forced to lose all." * * * "I am so weary," he adds, "of the society's business that I will get clear as soon as I can."^d

In a few years the society went practically out of business, except as an owner of real estate. There were no dividends, and some of the English shareholders applied, in August, 1704, to the provincial council for an order that the managing officers render an account. It seems to have been difficult to discover who these were, for the council "ordered that Benjamin Chambers, said to be late president of the said society,"^e produce its books. A letter of Penn, written in February, 1705-6, refers to it in a way which indicates that it had been used by his steward, Philip Ford, who was one of its original promoters, as one of his instruments for bringing the governor into his debt.^f We hear no more of its doings until 1721, when a bill was passed by the provincial assembly to wind up its affairs and distribute what might remain among its share-

^a Letter book of Claypoole, May 29, 1684.

^b Lewis, *op. cit.*, 220, 224.

^c Minutes of the Provincial Council, I, 58.

^d *Ms. letter-book of James Claypoole.*

^e Col. Records of Pa., II, 153.

^f Memoirs of the Hist. Soc. of Pa., X, 108.

holders. The governor (Sir William Keith) refused his assent, on the ground that the proceeding was an irregular and *ex parte* one. Subsequently, on March 2, 1722-23, it was reenacted, with certain amendments suggested by him, and trustees appointed who sold out its property and distributed the proceeds.^a So passed out of existence, after a struggle of forty years against adverse circumstances, the most important of the colonial incorporations.

Nine years later came the first New England charter, that of the New London Society United for Trade and Commerce. The history of the Pennsylvania company has been sketched at length, because that task, it is believed, has not been attempted before. That of the brief but meteoric career of the Connecticut company, which was soon turned by its promoters into a land bank, may be dismissed with a word, for it has been often told^b and fills a large place in the colonial records. It was the first purely trading company chartered in any colony,^c and the last. Not even a joint-stock association for business purposes of more than six persons, the shares in which were transferable, could be formed here after 1741, when the Bubble Act of 1720 was extended over the American colonies by act of Parliament.^d

The charter for the Union Wharf in New Haven, granted in 1760,^e was for the encouragement of what was really a matter of public enterprise. New Haven had a shallow harbor. A long wharf was indispensable for the development of its trade. A few public-spirited citizens had begun the work, but death had lessened their number, and the heirs of those who had passed away took little interest in the project. To give permanence to the undertaking, and enable the majority of the owners to enforce proper repairs, a charter seemed necessary, and it proved effectual.^f

^a Votes of Assembly, II, 290, 294, 361; Colonial Records, III, 138; Shepard, History of the Proprietary Government of Pa., 45; Scharf and Westcott, Hist. of Phila., I, 202.

^b Caulkins, Hist. of New London, 242; Bronson, Hist. of Continental Currency, etc., Papers New Haven Colony Hist. Society, I, Part II, 42; Baldwin, Modern Political Institutions, 185; Davis, Currency and Banking in the Province of Mass. Bay, Publications of the Am. Economic Association, 3d Series, Vol. II, Part II, 102 (much the fullest account).

^c Col. Rec. of Conn., VII, 421.

^d See Publications of the Col. Soc. of Mass., III, 27.

^e Col. Rec. of Conn., XI, 400.

^f Trowbridge, History of Long Wharf in New Haven. Papers of the New Haven Col. Hist. Soc., I, 83.

The Pennsylvania insurance charter of 1768^a was the outcome of a scheme primarily designed to secure householders against risk by fire, rather than to open an avenue for profit on invested capital.

It gave corporate form to what for sixteen years had been in existence as a voluntary association for mutual protection. The original plan was to issue seven-year policies on deposit of a gross premium. The interest on this belonged to the company; the principal remained the property of the depositor, subject only to the risks of the business. At the end of the seven-year term the proportion of the losses and expenses of the company which this deposit ought equitably to bear was determined, and a new start made on the basis of this account. Each depositor was liable to his fellow-members for losses to the amount of his deposit and half as much more. As policies were issued only to members, this limitation of his personal loss could be effectually made. In fact it was a kind of private club. The members held monthly meetings, and if anyone failed to attend he was fined for his absence, the fines thus received being applied to setting up milestones on the roads leading into the city.^b

Like so many of the new things of his day, this company was set on foot by Dr. Franklin, who headed the original list of its board of directors. It is still one of the active business corporations of Philadelphia, and among the most important, having accumulated assets of the value of about five millions, and carrying risks of a proportionate amount. In its first year the total insurance effected was only about \$108,000, and the sums deposited for premiums amounted to \$1,291.^c

It has been treated in this paper as a business corporation, because it grew to be one in common course by natural development. For a long period it allowed its surplus assets to accumulate, and it was made a question whether it could do otherwise. This question was finally (in 1895) brought before the courts which decided that dividends could be lawfully declared in favor of the members, if the directors saw fit.^d Since that time it has been in every sense a business concern.

^a *Laws of Pa.*, Smith and Reed's Ed., I, 279.

^b Bolles, *Industrial History of the United States*, 823.

^c Scharf and Westcott, *History of Philadelphia*, III, 2114.

^d *McKean v. Biddle*, 181 Pa. State Reports, 361.

The last charter in our list, that of "The Proprietors of Boston Pier, or the Long Wharf in the Town of Boston in New England," granted in 1772,^a was justified by a condition of things similar to that at New Haven, and proved equally efficacious in securing the end in view.

Pennsylvania also chartered, in 1759, what was, in effect, a life insurance company for a limited class, styled "The Corporation for the Relief of Poor and Distressed Presbyterian Ministers, and of the Poor and Distressed Widows and Children of Presbyterian Ministers." This is still in existence and has done a useful work. Its main design, however, being charitable, it has not been included in the list of colonial incorporations. Nor does the New York Chamber of Commerce appear there, for, though it may fairly be regarded as a business corporation, it is not unquestionably of colonial origin. Those who associated to constitute it received on March 13, 1770, a patent running in the name of the Crown, though under the seal not of the realm, but of the colony of New York. The grant having this form and being made, as it recites, "for the laudable purpose of promoting the trade and commerce of our said Province," at a time when the trade relations of Americans with the mother country were greatly strained and the public had been thinking of boycotting English importations more than of increasing them, was made the subject of a confirming act by the legislature of New York in 1784.^b There was then no Dartmouth College case^c to settle the doctrine that a charter from the Crown, whether directly or through a provincial governor, was as good after the Revolution as it was before.

The chamber, therefore, rightly claims 1770 as the real date of its incorporation, which makes it the oldest in any English-speaking land. That of Glasgow comes next, in 1783, and then that of Edinburgh, in 1785. The London chamber was founded only twenty years ago.

It was not until near the close of the war of the Revolution that the first business corporation owing its franchise purely to American sovereignty came into existence. The

^a Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay, V. 200, 262, 288.

^b Laws of New York, Ed. of 1792, I, 80, Chap. XXX.

^c Dartmouth College v. Woodward, 4 Wheaton's Reports 518.

country was driven to it by hard necessity. The summer of 1780 found the army without rations, and the Continental currency sunk to a value of hardly two cents on the dollar.^a As a temporary expedient, a voluntary association of capitalists was formed at Philadelphia to establish a private bank to aid the credit of the United States, and £300,000 in Pennsylvania currency was subscribed for this purpose.^b The bank was found useful,^c and on May 26, 1781, soon after the ratification of the first Constitution of the United States, Congress voted to grant a charter for a "national bank" on a plan proposed by Robert Morris as soon as a capital of \$400,000 should be subscribed, payable in hard money. The par value of each share was \$400. By the close of the year \$70,000 was so subscribed, and those who had made advances to the Government through the voluntary association of the year before were ready to take the rest as soon as repaid by the United States. This Congress found it difficult to accomplish, and at last Morris, now the Continental "Superintendent of Finance," proposed that he should subscribe for the balance not yet taken in behalf of the United States. This suggestion was adopted. He subscribed in this way for about a quarter of a million of the stock, all of which, within the next two years, was disposed of to private individuals.^d

It was upon this basis that Congress, on December 31, 1781, treated the subscriptions as full, and "the president, directors, and company of the Bank of North America" were finally incorporated. The capital could be increased at the pleasure of the directors to any amount not exceeding \$10,000,000. The bank's notes were to be receivable for public dues, State and Federal, and Congress recommended to each State the enactment of a law that no other bank or bankers should be established or permitted to do business within its limits during the continuance of the war.^e

It proved a profitable as well as patriotic enterprise. Almost immediately it began to make dividends of 13 and 14 per cent a year, and under an ancillary charter obtained

^a Sumner, *Life of Robert Morris*, 41.

^b *Ibid.*, 79.

^c *Journals of Congress*, VI, 66, 126, June 21, 22, Sept. 15, 1780; VII, 8, Jan. 4, 1781.

^d *Works of James Wilson*, Ed. of 1896, I, 552; *Sound Currency Tracts*: L. Carroll Root, *the First United States Bank*, 3.

^e *Journals of Congress*, VII, 87, 197, May 26, December 31, 1781.

from Pennsylvania in 1787 it still exists, with a capital of \$1,000,000 and a surplus of nearly twice that sum.^a

In 1782 such ancillary charters, with the monopoly provision recommended by Congress, were granted by Massachusetts, New York, and Pennsylvania. That from Pennsylvania was repealed in 1785, but reenacted two years later. Meanwhile, in 1786, the bank had obtained incorporation from Delaware.

• This action of Pennsylvania in 1785 was dictated by a jealousy of corporations formed for private profit, which was characteristic of both English and American sentiment down to the early part of the nineteenth century, and was not dissipated in either country until free incorporation began to be offered on equal terms to all by general laws to that effect.

The long colonial era, then, brought forth but six American business corporations. The thirteen years of sovereign statehood under the Confederation produced twenty, and the Confederation itself gave birth to one. But during the eleven years that remained of the eighteenth century just two hundred more came into existence; the United States here again incorporating one—the first Bank of the United States—greatest of all, *unum sed leonem*.

The first of the State charters for an independent enterprise of real magnitude was given by Massachusetts. By re-incorporating the Bank of North America she had confirmed its monopoly of the banking business within her limits during the Revolutionary war. As soon as she was freed from this obligation by the treaty of peace she chartered (in 1784) the Massachusetts Bank of Boston. Its original capital was \$300,000, the par value of each share being \$100. Although without any express authority to that effect, it began at once to issue circulating bills. Eighty years later it became a national banking association, as which it still exists. It is worth noting that during its long life as a State bank it issued and redeemed bills to an aggregate amount of over four and a half millions of dollars, and that one-half of 1 per cent of the total issue were never presented for redemption.^b

One mining company was incorporated in the same year in Connecticut to work the beds of iron ore in Litchfield County.

^aSumner, *Life of Robert Morris*, 102; *Hist. of Am. Currency*, 50. A monograph was issued by the bank at the close of its first century of existence giving a history of its origin and growth.

^b*Sound Currency Tracts*: Carroll Root, *New England Currency*, 3.

Pennsylvania chartered the Agricultural Society of Philadelphia in 1785, of which Washington soon afterwards wrote to James Warren:^a

"The Agricultural Society lately established in Philadelphia promises extensive usefulness, if its objects are prosecuted with spirit. I wish most sincerely that every State in the Union would institute similar ones."

A mutual insurance company was also chartered in the same city in 1786. This had been organized two years previously as a voluntary association and for a singular cause. The house of a member of the "Philadelphia Contributionship" Society had taken fire in 1783 from a burning shade tree. That society thereupon refused to take any new risks on houses surrounded with shade trees, except at an extraordinary rate of premium. The new company was formed by those favoring a more liberal policy, and took a green tree for its corporate symbol.^b

Of the remaining corporations one was the New York Chamber of Commerce, already described; another was the Associated Manufacturing Iron Company, chartered by the same State in 1786;^c three were formed for building bridges and eleven for the improvement of navigation by deepening river channels or constructing canals.

Of the eleven navigation improvement companies two were really one. "The Potowmac Company" received similar charters from both Virginia and Maryland in 1784 and was the first of the interstate commercial corporations, since so common. It grew out of a voluntary organization for the same general purposes, known as the Potomac Company, or the Potomac Canal Company, which had been in existence since 1762,^d but had accomplished comparatively little. Washington had been one of its chief promoters, until called to the command of the Continental Army. Soon after the close of the Revolution he made known his opinion that Maryland and Virginia must unite in creating a corporation for this purpose, unless they made it a public undertaking. He urged the necessity for such charters upon the attention of the governors of each of the States, and put in a strong

^a On Oct. 7, 1785. Writings of Washington, Sparks's ed., IX, 139, 141.

^b Bolles, *Industrial History of the United States*, 824.

^c *Harvard Law Review*, II, 165. Paper by Samuel Williston on "The law of business corporations before 1800."

^d *Pickell Hist. of the Potomac Co.*, 44, 64.

light the improvements in the navigation of the Potomac that were possible and the great benefits that would result to the whole country from them. "The Western States," he wrote to Governor Harrison, of Virginia, on October 10, 1784, "stand, as it were, upon a pivot. The touch of a feather would turn them any way." If the trade of the interior was to flow through the Great Lakes to the St. Lawrence it would be to benefit Canada; if it followed the Mississippi, it would be to benefit Spain. Improve their connections with the Atlantic States and the country would be bound together by fresh ties.^a

The term "Western States" was used in this letter, no doubt, to describe the new "distinct States," ten in number, into which Congress, in the preceding April, had resolved to divide the Western territory of the United States.^b The word "Territory" had not then been adopted as a designation of a political community.

Washington's business judgment was always sound, and he was quick to see a business opening. During this same year he was engaged in negotiations for the purchase, in company with Governor George Clinton, of what he termed "the mineral spring at Saratoga," but one of any importance (what is now the High Rock Spring) being then known to exist.^c He was also looking carefully into the merits of James Rumsey's plan and model for a boat which could ascend a river by the aid of the water itself, and called it to Governor Harrison's attention, in the letter from which a quotation has been made, as bearing upon the prospects of the proposed canal.

I consider [he wrote] Rumsey's discovery for working boats against the stream, by mechanical powers principally, as not only a very fortunate invention for these States in general, but as one of those circumstances which have combined to render the present time favorable above all others for fixing, if we are disposed to avail ourselves of them, a large portion of the trade of the Western country in the bosom of this State irrevocably.^c

Harrison laid this letter before the Virginia assembly, and it resulted in a request from that body, after the enactment of the Virginia charter, that Washington and General Gates,

^a Marshall, *Life of Washington*, V, 12-18; *Writings of Washington*, Sparks's ed., IX, 31, 58, 65, 112, 115.

^b *Journals of Congress*, IX, 153, April 23, 1784.

^c *Writings of Washington*, Sparks's ed., IX, 68, 70.

^d *Ibid.*, 58, 68, 104.

as its representatives, would go to Annapolis and endeavor to secure one similar in form from Maryland. They at once proceeded on their embassy, and with entire success.^a

The creation of the Potowmac Company by the concurrent action of different States marked a distinct advance in the progress of political science. Never before in the history of the world had two distinct sovereignties united in such a step. Here were the same individuals sustaining the same political relations to different governments, constituted in each an artificial person, dealing under one name with property in each, and amenable in each to the supervision of its authorities.

The way in this direction had been opened by the incorporation of the Bank of North America, two years before, by Pennsylvania and New York, but that was a recognition or affirmation of its continental franchise rather than an attempt to constitute *ab ovo* a consolidated corporation.

The charter of the Potowmac Company was followed in 1785 by that of The Corporation for the Relief of the Widows and Children of Clergymen in the Communion of the Church of England in America, granted in substantially identical terms by New York, New Jersey, and Pennsylvania.^b This experiment, in the outcome, proved less satisfactory. While of the nature of a life insurance company it served also and primarily a charitable purpose, and there were too many occasions in the administration of its affairs for the clashing of local interests. In 1797 it was divided into three corporations, one chartered by each of the three States concerned.

As to another of the Virginia corporations of this period, however, the plan of interstate incorporation was again tried and with better results. This was the Dismal Swamp Canal Company,^c which she incorporated in 1787 and North Carolina in 1790.

It will be observed that the latter date belongs to the period following the adoption of our present national Constitution. The provision in that instrument (Art. I, sec. 10) that no State shall, without the consent of Congress, enter into any agreement or compact with another State was thought by many to

^a Writings of Washington, Sparks's ed., IX, 82, 91.

^b The same organization had held a patent of incorporation from the proprietaries of Pennsylvania since February 7, 1769. Bolles, *Industrial History of the United States*, 837.

^c I am informed by Dr. Kemp B. Battle that Washington was a stockholder and that it constructed a canal which proved profitable.

forbid the formation of any corporation by the concurrent legislation of different States. To this may be attributed the rarity of such charters until within the last quarter of a century, when it was settled by judicial decisions that the constitutional prohibition referred only to agreements or compacts of such a nature as to change the political relations of one State to another or to the United States.^a

It is easy to see why the American colonies created so few business corporations. The colonial assemblies had really no right to create any. The patentees under the earliest grants, so far as they had the power, had little inducement to use it. No trading charter in those days was thought worth having unless it carried a monopoly,^b and patentees who had secured a general monopoly for themselves within a certain territory were naturally indisposed to share it with others.

The causes for the paucity of State charters between 1776 and 1789 are not to be so readily assigned.

It was not for want of money to invest.

There were before the Revolution and throughout the Revolution large fortunes held by Americans. Others were accumulated because of the Revolution, and some of them from Government contracts for supplies and munitions of war, in the execution of which considerable capital was required and which involved heavy personal risks, against which a corporate franchise would have been a convenient shield.

Nor are corporations especially the agents of the rich. It is the man with five hundred or a thousand dollars to invest to whom they are the greatest boon. Before the Revolution he had been apt to put it into a share in a ship^c or a share in a land company. During the Revolution and for many years after its close he did the same. In the roll of twenty shareholders in the Georgia Company of 1795, which made the famous Yazoo purchase, but one man, James Wilson, appears as a subscriber of over £2,000, and two put in £200 or less.^d

^a *Baltimore and Ohio R. R. Co. v. Harris*, 12 Wallace's Reports, 65, 82; *Virginia v. Tennessee*, 148 United States Reports, 503, 519.

^b See Adam Smith's *Wealth of Nations*, III, book v, Chap. I, pp. 145, 146.

^c Here again the investor shared the protection of an artificial person, in a certain sense. The ship could sail in foreign seas on her own credit. She could pledge herself for necessary supplies and repairs. She could be sued by her name in admiralty in proceedings *in rem*; but, except in case of bottomry loans, her owners remained in most matters personally liable also for what the ship owed.

^d Documents accompanying the Report of the Commissioners on the Georgia Mississippi Territory, 1808, p. 87.

Both the small and the large capitalist would have been glad to make his investment under the protection of a charter. But he did not want a charter that did not protect.

The commercial policy of each of the new States was, at the outset, a narrow and selfish one. This was a natural outgrowth of colonial conditions. The tendency of legislation as to matters of intercolonial interest had been, and as to those of interstate interest was, toward what was unfriendly. The prevalent note was retaliation rather than reciprocity. All this gave little assurance that a franchise from one State would be respected in another. The Articles of Confederation, when they were framed, provided (Art. IV, sec. 1) that the people of each State should have free egress to and from any other State and enjoy therein all the privileges of trade and commerce, subject to no other restrictions than those imposed upon its own inhabitants. This gave no rights to corporations. Indeed it was probably worded with a view, in part, of preventing any which might be created with exclusive trading privileges from claiming them to the prejudice of citizens of other States.

It was this state of things, no doubt, which influenced Madison's twice-repeated proposition in the Constitutional Convention of 1787 to confer on Congress the power "to grant charters of corporations in cases where the public good may require them and the authority of a single State may be incompetent." Pinckney desired to go further and give a general power to this effect without limitations.

The discussion which followed in the Convention went to the bed rock of the whole matter. Madison stated that his primary object was to secure an easy communication between the States which the free intercourse now to be opened seemed to call for. Political obstacles had been removed; natural ones should be. Wilson urged the importance of canals to connect the East and the West. Rufus King declared that the States would be prejudiced and divided by the grant of any such power. It might be used to set up banks or create monopolies. At Mason's instance, the proposition was confined to granting power to charter canal companies, and it was then defeated by eight States to three."

^a Madison's Journal, Scott's Ed., 549, 550, 725, 726. Cf. Hamilton's opinion on the constitutionality of a United States bank, Works, IV, 116, 134.

In ratifying the Constitution four States (Massachusetts, New Hampshire, North Carolina, and Rhode Island) recommended that it be amended by a provision that Congress should erect no company (or no company of merchants) "with exclusive advantages of commerce," and New York asked for a further prohibition of all grants of monopolies.^a

Attempts to carry such measures were made in the first Congress and renewed in 1793, but without success.^b

It was in the apprehension that these proposals indicated that, in truth, lay the great barrier of all to the multiplication of business corporations under the political conditions then existing. The people, as has been already said, were afraid of them. As they reviewed their history in England, they saw that a monopoly had walked in the shadow of each. They were in their very nature embodiments of special privileges.

In 1784 the leaders of each of the great parties that were already forming were before the New York legislature with petitions for bank charters. Chancellor Livingston sought one for a land bank; Hamilton another for one of discount and deposit.^c We may be sure that political influence was not wanting to back these petitions. Logrolling was not then unknown. Both, however, were rejected, and, although Hamilton and his associates had gone so far that they proceeded to set up business as a voluntary association by the name of the Bank of New York, no charter could be got for it until 1791.

The public jealousy of corporations against which Hamilton and Livingston could avail nothing in New York was felt, though not everywhere with equal force throughout the Union. It was not abated by the adoption of the Federal Constitution. There was but one thing that could effectually remove it. That was to remove the cause. To deprive the corporate franchise of the character of a special privilege and make its possession free to all—this was to be the next great step in the evolution of American combinations of capital for business purposes. The political events of 1789 had given them new assurances of security. Almost immediately their number and magnitude began to multiply greatly. The

^a Journals of Congress, XIII, 167, 172, 189, 182; Elliott's Debates, I, 336.

^b Report of Am. Hist. Assn. for 1896, Pt. II, 253.

^c Works of Hamilton, I, 414.

business corporation, however, could not wholly shake off the burden of popular suspicion until put upon a new footing by aid from an unexpected quarter.

North Carolina had been one of the sturdiest upholders of the rights of the people. She had unwillingly acceded to the establishment of a national government. She had failed to convince Congress that it ought to ask the people to forbid it to grant monopolies. In 1795 she struck out into a new field for herself and gave the modern world an object lesson in political science. For the first time since the beginnings of the Roman Empire,^a a sovereign State offered incorporation for business purposes to any who desired it, freely and on equal terms.

As became a government venturing on so novel an experiment she confined her offer to a single class of business enterprises—the construction of canals—but she gave a generous franchise, including the right of eminent domain, providing only that the works should become public property whenever the shareholders should have received their capital with interest at 6 per cent.^b

The example thus set was soon imitated by other States, and the vast number of business corporations formed under general laws that the nineteenth century brought forth to change the face of the United States witness the wisdom of making freedom of incorporation one of our fundamental political institutions.

^a Up to 1795 general incorporation laws had been restricted to the formation of religious, charitable, or literary corporations. Baldwin, *Modern Political Institutions*, 148, 174, 193, 194.

^b *Laws of North Carolina*, Ed. 1821, I, 769.

XI.—THE NATIONAL CANAL POLICY.

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THE NATIONAL CANAL POLICY.

By LINDLEY M. KEASBEY.

The question of isthmus transit has been before the civilized world since the discovery of America. From this time to the present four different canal policies have been elaborated and to some extent applied. In the order of their historical succession these canal policies may be named: The national European policy, the Anglo-American policy, the international policy, and the national American policy. It will be enough if I set forth the historical antecedents and indicate the political consequents of the four canal policies in the order named.

THE NATIONAL EUROPEAN POLICY.

The national European policy can only be called a canal policy by stretching the phrase to include all the varied schemes of isthmus transit that were then devised. Among these, canals figured as projects, but in practice interoceanic communication was effected by means of river routes, pack trails, and wagon roads. To appreciate the canal policy of these days we must call to mind the motives making for mercantilism and consider the conditions of absolute monarchy. To establish their mercantile systems and succeed in their struggles for political supremacy, it was imperative upon the absolute monarchs to maintain communication by sea with their colonial sources of supply and establish factories in distant countries for the acquisition of raw produce and treasure of all kinds. At first Europe's efforts were directed entirely toward the East, with a view to acquiring the wealth of the Indies. Newly discovered America was consequently regarded, in first instance, as a barrier land before Asia. With this idea in mind the Spanish monarchs sought first to solve

the secret of the strait, and when this was found impossible to establish some artificial means of communication across the isthmus. Soon, however, the Spaniards discovered the New World to be rich in gold and silver, and henceforth interoceanic communication became a local expedient for the better acquisition of American supply. Routes were accordingly opened up—into Mexico and Central America to bring the products of these countries to the seaboard and across Panama to transport the wealth of Peru from the Pacific to the Atlantic coasts. The occupation of the country made effectual by these means of access and egress gave Spain the monopoly of Mexico, Central America, and trans-Andean South America. But monopoly always arouses competition, and it was not long before buccaneers of other lands began to intercept the richly laden Spanish galleons and to harry the coasts of the Central American mainland. These freebooter raids were soon followed by legitimated government expeditions, and eventually Spain found herself forced to defend her monopoly against her European rivals. England was the chief aggressor and by her pertinacity succeeded in establishing outposts in the West Indies and along the Spanish main, where she could best secure a share of the Caribbean sources of supply. The Darien settlement, of which so interesting an account has been given here this morning, was not sufficiently supported by the Crown to maintain itself, but in the West Indies and here and there along the Caribbean coast of the Central American mainland footholds were established so firmly as to be maintained till modern times.

So much in brief for the historical antecedents of the national European canal policy. As for the policy itself, it found expression in Spain's demand to maintain her American monopoly, and in England's efforts to secure a share in such monopoly for herself. America was not considered in this policy, except as a source of supply to be exploited for the benefit of the European monarchs who succeeded in securing control; nor was any regard given to Europe as a whole. On the contrary, each of the two countries concerned was bent upon defeating the other, what though their commercial interests would have been better subserved by sharing the vast sources of supply. In short, the national European canal policy was simply the mercantile policy applied to the Ameri-

can isthmus; its principle was the monopoly of the West Indies and Central America, together with the means of access thereto and egress therefrom, with a view to enriching the powers that secured control and impoverishing the powers that were excluded. That such a policy when consistently pursued should lead to continuous warfare until one of the contestants succeeded in wearing down the other was inevitable, and that in the course of the conflict thus engendered exploited America should suffer and her wealth-producing capacity decline, was also inevitable.

THE ANGLO-AMERICAN POLICY.

The United States took up the transit question with the idea of assuming exclusive control of the route, but the realization of this idea was interrupted by British plans, with the result that between the original establishment of the national American canal policy and its final application in our day, an Anglo-American policy prevailed. It came to pass in this way. During the days of the mad rush to the newly discovered California gold fields an American company succeeded in opening up a provisional transit route, by boat and stage, across Nicaragua, and was planning to complete the system by the construction of an interoceanic canal. The English settlements along the Caribbean seaboard had been limited, but not obliterated, by the treaty of Versailles, and in the meantime, meeting with no opposition except from the Central American States, British agents had succeeded in extending these settlements until the southernmost, Mosquitia, included the mouth of the river San Juan, the Atlantic outlet of the proposed canal. United States diplomatic agents, Hise and Squiers, proposed in return for the right of way through the country to assume exclusive control of the route for their Government and guarantee Nicaragua's rights of sovereignty from sea to sea. This, however, was impossible so long as England remained in de facto control of the Atlantic terminus of the route, so the treaties drafted to this effect by Hise and Squiers were set aside and the United States entered into negotiations with Great Britain on the subject.

There were three courses open to us at this time: We might have called Great Britain to account for overstepping the

boundaries laid down in the treaty of Versailles and, by making her amenable to the Monroe doctrine, cleared the way for the application of the national American canal policy; or we might have insisted that the Isthmus be excluded from the control of any power and placed under the joint protection of all by applying an international canal policy. Or, finally, we might have accepted the situation as it was and, by admitting Great Britain as a partner in the undertaking, established an Anglo-American canal policy. The first plan was difficult, the second was impracticable, and the third was comparatively easy of execution. Preferring present peace to future advantages, we proceeded along the line of least resistance, and by the ratification of the Clayton-Bulwer treaty committed ourselves to an Anglo-American alliance in the canal project. According to the terms of this instrument Great Britain and the United States agreed to further the interoceanic undertaking and jointly to guarantee the neutrality of the transit route. In this way was the Anglo-American canal policy established.

By adopting this policy England disassociated herself from the other European powers as far as the canal question was concerned and entered into a partnership with the United States, while the United States in return admitted Great Britain's territorial rights in Central America and extended the Monroe doctrine to include England as an interested party in the supervision and control of the American waterway.

THE INTERNATIONAL CANAL POLICY.

The lines of the international policy were laid down in Europe in connection with the Suez Canal, and only later applied to the American waterway. Finding their lines of communication with the Orient obstructed by the isthmus of Suez the Europeans were determined to overcome the obstruction by the construction of a canal to connect the Mediterranean with the Red Sea. The isthmus in question was situated on foreign soil and separated from the European system by the Mediterranean. Furthermore, the barrier cut off all the maritime nations of Europe alike from easy access to the Orient. Consequently none could claim peculiar benefits from the proposed canal. Under these conditions the project was regarded theoretically as a European affair and not as

the particular prerogative of any one power. As a matter of fact, however, France and England were the only countries immediately interested—France because she took the initiative in the enterprise, and England because she saw her Eastern empire threatened by foreign ownership of the transit route. In the older days of the absolute monarchy this issue would have been fought out, but under the newer constitutional régime the logical resort was to diplomacy. So England allowed France the glory of constructing the canal, and quietly proceeded to secure legal control of the company by buying out the majority of the shares. Having already secured possession of Gibraltar, Malta, and Cyprus on the Mediterranean side of the canal, Great Britain also acquired the island of Perim at the Red Sea outlet, and completed her protective system by the occupation of Egypt. In this way England secured economic and political control of the Suez Canal to the practical exclusion of the French. These matters of fact in no wise interfered, however, with the theoretical neutralization of the route, which proceeded through the necessary stages and was eventually proclaimed as a triumph of international diplomacy and cited as a precedent to guide those who in the future should undertake an enterprise of similar character in America.

Not long after the completion of the Suez Canal De Lesseps was induced by an irresponsible group of promoters to lend his name and fame to their project of constructing an interoceanic canal across the Isthmus of Panama. Funds were soon raised, for the most part from French savings, and the enterprise was inaugurated with characteristic enthusiasm, but with woefully inadequate knowledge of the technical difficulties involved. Having successfully initiated their project, the promoters endeavored to enlist the support of all nations and make the enterprise in name at least international. An International Scientific Congress was called together in Paris for the purpose, upon which the French plans were foisted, and the promoters then appealed to the governments of Europe with a proposal to neutralize the canal under an international guaranty. Outside of France there was little confidence in the success of the undertaking; still the powers of Europe were ready enough to accord their formal approval of the principle of an international guaranty.

From the European standpoint the international neutralization of the Panama Canal was a natural corollary of the international neutralization of the Suez Canal. Like the Isthmus of Suez, the Isthmus of Panama was situated on foreign soil and separated from the European system by the open sea. Furthermore, the barrier cut off all the maritime nations of Europe alike from easy communication with western America, the Pacific, and the Far East; consequently none could claim peculiar benefits from the proposed canal. Under such conditions, therefore, the European powers were willing enough to regard the Panama Canal project also as a European affair subject to international neutralization. But in this instance there was another factor to be considered—the United States, which nation not only did not belong to, but had deliberately cut herself off from, the European concert and proclaimed herself the special guardian of the destinies of the Western World. So the international canal policy in being applied to the American Isthmus met with its rival, the national American canal policy as supported by the United States.

THE NATIONAL AMERICAN CANAL POLICY.

The lines of the national American canal policy were laid down, as I have said, by the United States when the project of interoceanic communication first came up among the American republics. The question was to have been considered by the Panama Congress in 1826, but, owing to the failure of this congress to convene, the United States was obliged to proceed on her own account. In the treaty with New Grenada (subsequently the United States of Colombia) in 1846, in return for the right of way across the Isthmus of Panama, the United States undertook to guarantee the neutrality of the route. But in attempting to apply the same policy in Nicaragua the United States was confronted by British claims, and the outcome was, as we have seen, the substitution of the Anglo-American policy as set forth in the Clayton-Bulwer treaty.

Even at the time of its execution this policy met with little favor among the American people, and after the reconstitution of the Union as a result of the war of the rebellion the

opposition became more marked. Americans then began to realize more fully what their position in the New World was. Their country stretched from sea to sea, but their coast lines were divided by the interposition of the Isthmus barrier. Railroads might bind the several sections of the country into a commercial unit and so maintain the political union recently reestablished, but only an interoceanic canal could connect the seacoasts and round out the natural frontiers on the east, south, and west. Furthermore, as a nation the United States had promised to protect the southern republics, and so long as the Isthmus barrier prevailed it was difficult to communicate with these countries and keep them within her commercial and political system. With these ideas in mind the people of the United States looked with increasing distrust upon the Anglo-American alliance cemented before the war, but, being bound by treaty obligations, nothing could be done, though much was said. But when the French plan for an international guaranty of the Panama Canal was mooted, the United States felt herself in no way estopped by the Clayton-Bulwer treaty from objecting to the proposals and expressing herself strongly in favor of exclusive control. President Grant was the first to speak officially: "I commend an American canal on American soil to the American people," he said. President Hayes, in his strong message to Congress on the subject, next concluded: "The policy of this country is a canal under American control. The United States can not consent to surrender this control to any European powers." The opinions thus expressed officially at home led Blaine finally to address a circular letter to the European governments on the subject, in order to give the national policy international effect. In this letter Blaine was able to point to our exclusive guaranty of the Panama route and to add:

Any attempt to supersede that guaranty by an agreement between European powers whose interests in the canal and its operation can never be so vital and supreme as ours, must partake of an alliance against the United States.

The attitude assumed by the United States was sufficient to put a quietus upon the proposed application of the international policy to the Panama Canal, but it had not the least effect upon our relations with England. These relations were

fixed by the Clayton-Bulwer treaty and, in answer to Blaine's circular letter, the English secretaries made it perfectly plain that whatever was done about the international neutralization, Great Britain considered herself still a party to the control of the transit route. The obligation became more embarrassing as time went on, for an American company was already engaged in Nicaragua preparing to construct a canal through this country, and both the Government and the people were desirous of assuming exclusive control of the route. Indeed, Secretary Frelinghuysen went so far as to negotiate a treaty to this effect with Nicaragua, without regard to the obligations incurred under the Clayton-Bulwer treaty; but President Cleveland, not wishing to precipitate a conflict, withdrew the instrument from Senatorial consideration.

Such was the situation when we went to war with Spain. The effect of this war upon the canal question was most marked. In the first place, the enforced trip of the *Oregon* around the Horn served as an object lesson of the urgent need of more adequate means of interoceanic communication, and convinced everyone of the necessity of constructing an isthmus canal. In the second place, the acquisition of dependencies in the Pacific and the consequent entry of the United States into the commerce and politics of the Orient impressed upon the nation the importance of maintaining political supremacy along the sea route thither. This involved the holding of strategic points along the line and above all the exclusive control of the isthmus canal.

Thus as one of the results of the Spanish-American war the canal question again came up for decision, and the Clayton-Bulwer treaty was once more, and for the last time, made the subject of discussion. Fortunately for the United States, England had also learned some lessons from the war; she appreciated now, what she had failed to appreciate before, that the United States was bound to become a world power, and that her claim to the control of her continental base was justified in fact as well as in theory. To have insisted upon her rights under the Clayton-Bulwer treaty must certainly have aroused American animosity, and probably been ineffectual in the end. Moreover, a cordial Anglo-American understanding was of great importance to England's purposes. As

a result, Great Britain recognized in the necessity an opportunity of showing her regard for the United States and so cementing the friendship she desired. The task before Secretary Hay was consequently not so difficult as those that confronted his predecessors, and his diplomacy was ultimately crowned with success. The Clayton-Bulwer treaty is now abrogated, and under the Hay-Pauncefote convention the United States is free to protect and control the isthmus canal. So, finally, after many vicissitudes the national American canal policy is established.

THE APPLICATION OF THE NATIONAL POLICY.

In conclusion you will allow me to suggest some of the duties and responsibilities the application of this policy will inevitably involve. As I see it, there are three interests the United States will be called upon to guard: First, her own; second, those of the Spanish-American Republics; and third, those of the European powers. Let us consider these interests in the reverse of the order named.

In accepting the Monroe doctrine and admitting America's right to exclusive control of the Western waterway, the European powers certainly have the right to expect the fairest sort of treatment on this side of the sea; and in assuming this responsibility, the United States is in duty bound to provide safe transit and equitable conditions for the commerce of all nations passing through the canal. It should, in short, be made perfectly clear from the start that the United States has insisted upon exclusive control of the transit route because she considers such control essential to her national interests, and not because she is seeking thereby to discriminate against European commerce and secure monopoly advantages for herself. The old national European canal policy was worked out, as we have seen, along monopoly lines; but the new national American canal policy proceeds, or should proceed, upon the principle of fair trade and no discrimination.

But fair dealing with the European powers will, I fear, involve firm dealing with the Spanish-American republics. We have an example before us at present. Relying on the promised protection of the United States, these republics, or

one of them in this particular instance, appears to have avoided responsibility for its acts and repudiated obligations incurred. We can not allow Europeans to seize territory on this continent, and in this way we weaken their powers of enforcing their claims. In return it is certainly incumbent upon us to subject the Spanish-American States to discipline on our own account and see to it that the Monroe doctrine is not made a cloak for repudiation and unjust dealing. But this is by the way. Firm dealing we shall find especially necessary with those States which possess natural monopolies along the transit routes. In the past, and even at the present, the Central American States have shown themselves ready to sell out their rights again and again to the highest bidder, and they seem to have but little realization of the obligations of canal contracts. We are having all sorts of difficulty even now in securing the proper rights and franchises for the construction and control of the transit route, and I feel we must take a firm stand now in the matter to avoid all chance of complications in the future. The one important lesson to be learned from this is that we must certainly secure and own in our own right the strip of territory through which the canal will pass and remove this strip so acquired from Spanish-American control.

This last point brings me to a consideration of our own interest in the matter. It should be clear by this time, or if it is not a glance at the map must convince anyone, that the Isthmus canal will constitute to all intents and purposes a continuation of our coast lines. This waterway will not be situated on foreign soil—as the Suez Canal is situated in reference to Europe—on the contrary, the Isthmus canal will round out our own domain and form our southern frontier. These conditions lead to two conclusions. The first is already recognized in the Hay-Pauncefote treaty, namely, that the United States must be free to protect and defend the canal route as she would her own seacoast. The second conclusion has not become so clear. If the canal is to become our southern frontier, where shall it be constructed, across Panama or through Nicaragua? If the Panama route is chosen, then our southern frontier will be attenuated to the last degree, and, owing to natural conditions, there must always intervene a long line of inhospitable seacoast backed by a narrow strip of

tangled tropical forest between our base and our boundary. Adequately to protect such a seacoast and successfully to maintain such a frontier will be a task indeed for our Army and Navy. Besides, in selecting this route we leave another route open in the rear. It is not at all probable that other nations will wish to construct a second canal, but suppose they did, what attitude could we assume toward the undertaking except that of the dog in the manger?

On the other hand, if the Nicaragua route is chosen this possible difficulty will be avoided, and, what is more, our frontier will be rounded as it should be. The upland territory running south through Mexico, Guatemala, Honduras, Salvador, Nicaragua, and Costa Rica is a wonderfully fertile region, bound to be occupied before long by American colonists and developed by American capital. This region will eventually be traversed by continuations of the Mexican-American railroad system, and even now its seacoasts are dotted with trading posts and points of call for American steamers and sailing vessels. In short, this country is, in the nature of things, sure to come within the sphere of our economic and commercial interests, and perhaps eventually under our political control. Put the canal through this territory and you will bring Lake Nicaragua, one of the finest sheets of fresh water in the world, in line with the future trade route of the West, and, if history teaches us anything, Napoleon's prophecy will come true, here will rise the Constantinople of the New World, the entrepôt and trading center of the two continents.

Picture to yourselves, then, the two situations. The Panama route traversing an unwholesome tropical forest, deserted except for the constabulary guard, constituting a detached frontier, cut off from our southern base by hundreds of miles of tangled undergrowth and long lines of inhospitable seacoast, with its outlets in low-lying lands far south of the natural course of our coasting trade—a canal under American control, but cut off by land and sea from American influence. Or, on the other hand, the Nicaragua route traversing a salubrious country, rich in minerals and with abundant opportunities of agricultural development; a route that carries us through Lake Nicaragua with all its facilities for local trade

and interoceanic exchange; a route that will be met by our railroad system reaching down from the north; a route that will round out our natural frontier, join our seacoasts, and facilitate our coasting trade and our growing commerce with South America and the Pacific. Between the two routes the technical difficulties and advantages are about on a par, but the political and economic advantages of the Nicaragua route are so far superior to those of the Panama route as to make our interest in the Nicaragua route, in my opinion, overwhelming.

XII.—THE NEUTRALIZATION FEATURES OF THE HAY-PAUNCEFOTE
TREATY.

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THE NEUTRALIZATION FEATURES OF THE HAY-PAUNCEFOTE TREATY.

By JOHN H. LATANÉ, Ph. D.

Five years ago no one could have foreseen that the course of world politics was soon to draw England into such close relations with the United States that she could gracefully surrender the rights she had so insistently adhered to in all previous discussions of the canal question and concede fully and frankly our main contention. Yet such is the case. The Hay-Pauncefote treaty can be regarded in no other light than that of a friendly concession on the part of England of rights which she indisputably held under the Clayton-Bulwer convention. But, while so far as accomplishing the immediate object is concerned, the Hay-Pauncefote treaty is a triumph of diplomacy, it can scarcely be regarded as a triumph of the principle of international law which it professes to embody, or as a permanent adjustment of the canal problem. The treaty professes to preserve "the general principle of neutralization" established in Article VIII of the Clayton-Bulwer treaty, but its provisions ignore some of the essential elements of neutralization as that term is generally defined.

The term "neutralization" is comparatively new and its exact significance in international law is not readily determined. While the principle was recognized by the congress of Vienna, the word "neutralization" has until comparatively recently been avoided by diplomatists and publicists. Probably the earliest definition of the term by a writer of recognized merit is given by Holland in an article on "The international position of the Suez Canal" in the *Fortnightly Review* for July, 1883. He says:

"Neutrality" is always the correlative of "belligerency." A state is neutral which chooses to take no part in a war, and persons and property are called neutral which belong to a state occupying this position. The

term has in recent times received a larger application. A condition of neutrality, or one resembling it, has been created, as it were, artificially, and the process has been called "neutralization."

Further in the same article he says:

States have been permanently neutralized by convention. Not only is it preordained that such states are to abstain from taking part in a war into which their neighbors may enter, but it is also prearranged that such states are not to become principals in a war. By way of compensation for this restriction on their freedom of action, their immunity from attack is guaranteed by their neighbors, for whose collective interests such an arrangement is perceived to be on the whole expedient.

Lawrence, in his volume of *Essays on Some Disputed Questions in Modern International Law*, published in 1884, says:

In ordinary neutrality there are two elements—the element of abstention from acts of war and the element of freedom to abstain or not to abstain at pleasure. Now, if we take away the latter we get neutralization.

In these definitions we have the real point of the distinction. Ordinary neutrality is purely voluntary on the part of the state exercising the same, and may be terminated at any time, while neutralization imposes a more or less permanent status of obligatory or conventional neutrality, not terminable by volition of the state which accepts it or upon which it is imposed, which state thereby accepts a limitation to that extent upon its sovereign freedom of action.

In this sense Switzerland, which had been forced by Napoleon from her historic policy of political isolation and drawn into the turmoil of European war, was declared a neutral state by the congress of Vienna and placed under the collective guaranty of the powers. The same principle was extended to Belgium in 1831, and to the Grand Duchy of Luxemburg in 1867. The treaty by which Luxemburg was neutralized provided expressly for the demolition of the fortress of the city of Luxemburg. The same status was imposed upon certain of the Ionian Islands, Corfu and Paxo, when they were annexed to Greece in 1864. The treaty declares that—

as a necessary consequence of the neutrality which the Ionian Isles are thus to enjoy, the fortifications constructed in the Isle of Corfu and its immediate dependencies, having no longer any object, shall be demolished.

At the Berlin conference of 1884–85, when the Congo Free State was established, Mr. Kasson, the delegate of the United

States, proposed that the principle of neutralization be extended to the basin of the Congo. As the greater part of this territory was held in protectorate or ill-defined sovereignty by the powers forming the conference, they were not willing to limit their freedom of action to the extent proposed by Mr. Kasson, but they agreed that in the event of war, on any question not connected with the Congo territory, the signatory powers would use all their influence to secure from the belligerents declarations neutralizing for the time being their African interests. The Geneva convention of 1864 extended the principle of neutralization to persons and things, exempting from attack or capture surgeons, nurses, ambulances, and field hospitals.

From a study of these familiar cases it will be seen that neutralization implies: (1) A formal act or agreement; it is a matter of convention constituting an obligation, not a mere declaration revocable at will. (2) It implies a sufficiently large number of parties to the act to make the guaranty effective. (3) It implies the absence of fortifications. The mere existence of fortifications would impeach the good faith of the parties to the agreement. (4) It implies certain limitations of sovereignty over the territory or thing neutralized. (5) It implies a more or less permanent condition. In this it differs from ordinary treaty stipulations terminated by war between the contracting parties. A treaty establishing neutralization is brought into full operation by war.

When we come to extend the same principle to waterways, however, we find the conditions to be altogether different. The first and most fundamental difference is that states have acquired, by international usage and prescription, rights and interests in the territorial waters of other states which they have no claim to exercise in respect to land. Secondly, armies and implements of war are absolutely excluded from the territory of neutralized states, while neutralized waterways are by design open to the innocent passage of war ships not only in time of peace, but also in time of war. Thirdly, the warfare of the future will in all probability be confined more and more to the sea, thus enhancing the strategical value of waterways and canals which are adjuncts to the high seas, as well as increasing the temptation to appropriate them for national purposes.

The battle for the freedom of the high seas has been fought and won. This freedom has been extended in a modified form to navigable rivers, "sometimes by tacit understanding of the law of nations to this effect, sometimes by treaty." The treaty of Vienna (1815) laid down the general principle that the navigation of all rivers separating or traversing different states should be entirely free from the point where each river became navigable to the point where it entered the sea. Certain specific rules were adopted and applied to the Rhine and to other rivers of northern Europe. The free navigation of the St. Lawrence, while claimed as a right by the United States, rests, as a matter of fact, on the reciprocity treaty of 1854 and the treaty of Washington of 1871.

The treaty of Paris (1856) extended this principle to the Danube in these terms (article 15):

The act of the congress of Vienna having established the principles intended to regulate the navigation of rivers which separate or traverse different states, the contracting parties stipulate among themselves that those principles shall in future be equally applied to the Danube and its mouths. They declare that this arrangement henceforth forms a part of the public law of Europe, and take it under their guaranty.

This extension of the principle of *mare liberum* to navigable rivers can hardly be called neutralization. It is merely for commercial purposes and rests on treaty stipulations that do not expressly provide for a state of war.

But this treaty of Paris went a step further. In view of the difficulties of keeping the Danube open to navigation the river was placed under an international commission charged with the execution of the work of clearing it of obstructions. It was provided that these works should enjoy "the same neutrality which has hitherto protected them."

The neutralization of the Danube was further secured by treaties of 1865 and 1878, the latter of which provided (article 52):

All the fortresses and fortifications existing on the course of the river from the Iron Gates to its mouths shall be razed, and no new ones erected. No vessel of war shall navigate the Danube below the Iron Gates with the exception of vessels of light tonnage in the service of the river police and customs.

It is evident that this sort of neutralization which excludes war ships is a very different thing from the neutralization of

a canal constructed in part for the accommodation of ships of war.

Akin to this are the various treaty stipulations governing the use of the Black Sea. Until 1774, it was the practice of the Porte to exclude all ships from the Black Sea. After 1774 war ships only were excluded. Great Britain and other powers recognized this "ancient rule of the Ottoman Empire." The restriction, only slightly modified, has been recognized and continued by the treaties of 1840, 1856, 1871, and 1878, all signed by the great powers of Europe. Hence these restrictions are binding, but they rest solely on treaty stipulations and not on the common law of nations.

Article XI of the Treaty of Paris (1856) declares—

The Black Sea is neutralized. Its waters and its ports, thrown open to the mercantile marine of every nation, are formally and in perpetuity interdicted to the flag of war, either of the powers possessing its coasts, or of any other power, with the exceptions mentioned in Articles XIV and XIX ^a of the present treaty.

Article XIII of the same treaty declares further—

The Black Sea being neutralized according to the terms of Article XI, the maintenance or establishment upon its coast of military-marine arsenals becomes alike unnecessary and purposeless.

These arrangements were modified somewhat by the subsequent treaties of 1871 and 1878, but the general principle is preserved.

The term "neutralization" has likewise been applied to the agreement of 1817 between the United States and Great Britain reducing their naval forces on the Great Lakes. While this arrangement has proved highly satisfactory and saves the enormous cost of armaments, it can hardly be called neutralization, since it was brought about merely by an exchange of notes, signifying the willingness of the two powers to make the reduction in the terms stated.

Straits connecting high seas are more analogous to canals than any other waterways, yet even here the analogy does not carry us very far. By treaty of July 23, 1881, between the Argentine Republic and Chile the Straits of Magellan were

^a These articles provided for light ships in the service of the legations, and a separate convention between Russia and Turkey provided for the maintenance of small naval forces on the Black Sea by both those powers.

declared neutral and the contracting parties bound themselves not to erect fortifications.

For many years Denmark claimed exclusive jurisdiction over the sound and belts through which the Baltic Sea finds its way into the ocean. Her claims rested on immemorial prescription confirmed by many treaties with various maritime States. The rule, however, was felt to be contrary to the general principles of international law, so in 1857 Denmark signed a treaty with the powers of Europe, and later in the same year with the United States, by which she surrendered for a lump sum her exclusive territorial rights over these waterways, and they were thrown open to the commerce of the world. The compensation was not nominally for the surrender of her rights, the powers being reluctant to acknowledge the principle, but for the maintenance of buoys and lights and the removal of obstructions.

The case of the Dardanelles and the Bosphorus is wholly anomalous, and grew out of "the ancient rule of the Ottoman Empire," and rests at present upon the same treaty stipulations that govern the Black Sea. These straits lie wholly within the territory of the Turkisk Empire, and would furnish a very close analogy to a maritime canal except for the fact that in view of the treaty stipulations above given the Black Sea can not be regarded as an open sea in the usual sense.

/ When we come to the consideration of maritime canals, the Suez and the proposed Panama stand alone. ' The analogy between them is very striking. (1) Each is of the nature of an artificial strait connecting two seas; (2) each lies wholly within the territory of one power, though in both cases almost at the extremity of the territory of that power; (3) in each case the territorial power is too weak to finance or protect the canal; (4) in each case foreign capital has had to undertake the work of construction; (5) in each case foreign guaranties have been sought and conventions entered into for the control of the respective canals, thus giving them an international character; (6) in the Suez case the peculiar position of Great Britian in Egypt gives her practically a much greater voice in the control of the canal than any other power, while in the case of the American canal the United States, by virtue of

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her long declared policy with reference to the American continents, claims a dominating influence in any canal that may be cut through the isthmus.

In view of this analogy no discussion of the Hay-Pauncefote treaty would be complete which did not take into consideration England's policy in regard to the Suez Canal. Although constructed by French engineers and mainly with French capital, the canal passed at an early date under the commercial control of England. In 1875 more than three-fourths of the commerce that passed through the canal was British. Disraeli therefore was quick to take advantage of the financial embarrassment of the Khedive and purchased for the sum of £4,000,000 the 176,602 shares held by him, thus giving England a controlling voice in the management of the canal. The outbreak of Arabi's revolt in 1882 was the occasion of the intervention of England in Egypt and the military occupation of the line of the canal.

In a circular note addressed to Paris, Berlin, Vienna, Rome, and St. Petersburg, January 3, 1883, Earl Granville explained that the military occupation of Egypt was only temporary, and suggested as a permanent arrangement to secure the freedom of the canal that it be placed under international control. Although undisputed mistress of the situation, England continued to advocate this policy, and in 1885 the principal European powers sent commissioners to Paris to draw up a convention providing for the freedom of the canal in the sense of the British proposals. The Paris commission was in session from March 30 to June 13, 1885, and agreed upon the terms of a convention which was submitted to the powers, but was not finally ratified until October 29, 1888, and then with some slight modifications. The ratifications were exchanged at Constantinople. The terms of this convention are all that the advocates of neutralization could wish. The fact has been generally overlooked, however, that Great Britain signed this convention with an important reservation. At the last sitting of the Paris commission, June 13, 1885, Sir Julian Pauncefote announced that the British delegates felt it their duty to formulate a general reservation as to the application of the treaty in so far as its provisions might be incompatible with "the present transitory and exceptional condition

of Egypt" and in so far as they "might fetter the liberty of action of their Government during the occupation of Egypt by the forces of Her Britannic Majesty."^a

This reservation, it seems, was communicated to the powers again by Lord Salisbury in 1887, and was understood to be a condition of the signing of the treaty by England.^b

It was, nevertheless, lost sight of until the British Government called attention to it again during the war between Spain and the United States. On July 1, 1898, Mr. Davitt made inquiry in the House of Commons as to whether the delay of the Spanish warships at Port Said was in violation of the Suez Canal convention. To this question Mr. Curzon, the under secretary for foreign affairs, made answer:

The provisions of the Suez Canal convention to which the honorable member refers have never been brought into operation. The question of the duration of stay of foreign vessels at Port Said is primarily for the decision of the Egyptian Government, and there has doubtless been good reason for the course adopted in this case.^c

This rather surprising statement was further elucidated a few days later in answer to another question. On July 12 Mr. Bowles inquired whether the convention of 1888 was still in existence and in operation. Mr. Curzon replied:

The convention in question is certainly in existence, but, as I informed the honorable member in answer to a question some days ago, has not been brought into practical operation. This is owing to the reserves made on behalf of Her Majesty's Government by the British delegates at the Suez Canal Commission in 1885, which were renewed by Lord Salisbury and communicated to the powers in 1887.^d

X Since the British occupation of Egypt still continues and there is no prospect of its termination, it is evident that the neutralization of the Suez Canal can not be regarded as complete, certainly not yet as absolutely effective.

When we come to consider the numerous agreements in regard to an American canal we find that they all contemplate neutralization of one form or another. Prior to the Hay-Pauncefote treaty the most important agreement was the Clayton-Bulwer treaty of 1850.

^a Parl. Papers, 1885, Egypt No. 19; Parl. Debates, 4th series, V. 60, 799-800.

^b Brit. and For. State Papers, V. 79, 500.

^c Parl. Debates, 4th series, V. 60, 799-800.

^d Parl. Debates, 4th Series, V. 61, 667.

Into the intricacies of this now celebrated treaty and the complications to which it gave rise (now happily ended) it is needless to enter. Suffice it to say that Mr. Clayton is not to be censured, when all the circumstances are considered, for the principle he tried to establish in negotiating the treaty, but, if at all, for his failure to secure beyond the peradventure of misunderstanding the immediate objects of the treaty. No candid investigator of the conditions as they then stood, when the treaty was negotiated, can fail to see that England had all the advantages on her side. Her position on and near the isthmus was practically impregnable, and whether the United States admitted the justice of her claims to the Bay Islands, Honduras, and the Mosquito coast, or not, she was there in possession and we were not in a position to oust her by force. Mr. Clayton, therefore, in conceding to Great Britain an interest in the canal in return for her relinquishment of suzerainty over important territory, was not guilty of error, nor of a violation of the Monroe doctrine, for the intent of the treaty was really to leave Great Britain weaker territorially on this continent than before.

Unfortunately, the varying interpretation of the treaty gave rise to controversies of long standing. Mr. Blaine thirty years later declared that the treaty had been "misunderstandingly entered into, imperfectly comprehended, contradictorily interpreted, and mutually vexatious." Unfortunately, Mr. Blaine seems to have been obtusely forgetful of the fact that the controversies to which he referred had long been settled, while he was raising an entirely new issue in his efforts to secure a modification of the principle of neutralization, about which there had been no misunderstanding. Mr. Blaine expressed the hope that Great Britain would "concede certain modifications," thus admitting the validity of the treaty.

Mr. Frelinghuysen went a step further and pronounced the treaty to be "voidable at the pleasure of the United States." He did not venture, however, to declare it "void," great as was his desire to have it out of the way.

Both Blaine and Frelinghuysen approached the subject from the wrong point of view. Their arguments were disingenuous, to say the least, and were without logical consistency or moral force. At any rate, so far from bringing about

the desired changes in the treaty, their only effect was to strengthen the British Government for the time being in the determination to hold us the more strictly to the terms of the Convention.

Later Mr. Olney in a review of the situation declared:

Upon every principle which governs the relations to each other, either of nations or of individuals, the United States is completely estopped from denying that the treaty is in full force and vigor. If changed conditions now make stipulations, which were once deemed advantageous, either inapplicable or injurious, the true remedy is not in ingenious attempts to deny the existence of the treaty or to explain away its provisions, but in a direct and straightforward application to Great Britain for a reconsideration of the whole matter.

It was precisely in this spirit that the Hay-Pauncefote Treaty was negotiated. The original draft, February 5, 1900, provided for a neutralized canal, and adopted rules substantially in accord with those of the Constantinople convention of 1888. The Senate, however, amended the treaty in three important particulars: (1) After the mention of the Clayton-Bulwer convention in the beginning of the second article was inserted the clause "which convention is hereby superseded;" (2) a paragraph was inserted declaring that the restrictions in the regulations governing the use of the canal should not "apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order;" (3) the article providing for the adherence of other powers was cut out entirely.

The British Government refused to accept these amendments, and a year elapsed before an agreement was reached. The revised treaty, which was ratified by the Senate December 16, 1901, was a compromise between the original draft and the Senate amendments. Article I abrogates the Clayton-Bulwer treaty. Article II provides that the canal may be constructed under the auspices of the United States and shall be under its exclusive management. Article III declares that "the United States adopts" as the basis of neutralization substantially the rules of the Constantinople convention. It omits from these rules, however, the clause "in time of war as in time of peace," and the entire rule forbidding fortifications. Article IV provides "that no change of territorial

sovereignty or of the international relations of the country or countries traversed by the beforementioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty." The article inviting the adherence of other powers is omitted.

It is evident that the Hay-Pauncefote Treaty does not establish the neutralization it professes. In the first place, all other treaties effecting neutralization are placed under the collective guaranty of a number of powers, while the Hay-Pauncefote Treaty declares that "The United States adopts," etc. Secondly, this declaration establishes an obligation to England alone. No other power has the right to demand the observance of the rules, further than equality of treatment. In the third place, the fact that a clause forbidding fortifications was inserted in the first draft and after full discussion deliberately omitted from the revised treaty leaves the United States free, by implication certainly, to fortify the canal in case of emergency. Such would seem to be the British view of the treaty, as expressed in a memorandum by Lord Landsdowne, August 3, 1901, communicated to Mr. Hay through Lord Pauncefote. He says:

I understand that by the omission of all reference to the matter of defense the United States Government desires to reserve the power of taking measures to protect the canal, at any rate when the United States may be at war, from destruction or damage at the hands of an enemy or enemies. * * *

I am not prepared to deny that contingencies may arise when not only from a national point of view, but on behalf of the commercial interests of the whole world, it might be of supreme importance to the United States that they should be free to adopt measures for the defense of the canal at a moment when they were themselves engaged in hostilities.

In the fourth place, the omission of the clause "in time of war as in time of peace," leaves the United States free, by implication at least, to modify or suspend in time of war the rules governing the use of the canal.

These modifications of the Convention of 1888 are a distinct departure from the principle and practice of neutralization. It is not probable that the United States will resort to fortifications. Expert military opinion seems to be opposed to such a course.

Col. Peter C. Hains, in a paper before the American Academy of Political and Social Science, February 27, 1901 (printed in Senate Doc. 199, 56th Cong., 2d sess.), said:

An adequate defense of a fortified isthmian canal can be made in no other way than by providing a navy of sufficient power to control the seas at either terminus. With such a navy at our command the canal needs no fortifications.

Admiral Dewey expressed himself equally emphatically on this point in an interview. He said:

Fortifications? Why, of course not. As I understand it, the canal is to be, and should be, a neutralized commercial pathway between the two great oceans. To fortify it would simply result in making it a battle ground in case of war. Fortifications would be enormously expensive and ought not to be erected. Our fleets will be a sufficient guaranty of the neutrality and safety of the canal in time of war as well as in time of peace.

The fact that the conditions of the Suez and Panama canals are so similar, and that the Hay-Pauncefote treaty professes to adopt the Constantinople Convention of 1888 as its model, would seem to point to the conclusion that the status of the two canals will ultimately be the same. Neither convention is entirely satisfactory to the advocates of neutralization. The terms of the Constantinople Convention are sufficiently explicit, but England has a loophole through which to escape in the reservation quoted above, which practically suspends the treaty during her military occupation of Egypt, which is likely to continue indefinitely. The terms of the Hay-Pauncefote treaty, on the other hand, are so ambiguous that the United States will have pretty much her own way in regard to the Panama Canal. The only check upon our action is England, and so long as England maintains a free hand in the control of the Suez Canal, she will probably not be disposed to hold us to a strict interpretation of the Hay-Pauncefote treaty, for the conditions of the Suez and Panama canals are so similar that any rule that may be developed in the one case will in all likelihood be applied in the other. Whether the interests of England and of the United States will be best subserved by adopting policies of exclusive control and fortification can be determined by experience alone. The great majority of writers on the subject are strong advocates of neutralization, and this principle is certainly in line with the general tendencies of international law.

It is thus evident that the Hay-Pauncefote treaty does not offer a final solution of the canal problem. The future status of an American canal at least is wholly a matter of speculation. The facts of the case are that we are about to build a canal which will be a most vital point in our line of defense. In case of war with any power other than England, England's attitude being friendly, the canal would probably be a source of small danger. But in the event of war with England, without the guaranty of other powers, the treaty would go to the winds, and the canal would undoubtedly be the center of attack. Since this is a possible contingency, the construction of a canal adds to the demand for increased naval strength. But while we should be prepared for all emergencies, we look forward with confidence not only to a continuance of the present cordial relations between England and the United States, but also to a further reknitting together of the two great branches of the Anglo-Saxon race in bonds of peace and international sympathy—in a union not cemented by any formal alliance, but based on community of interests and aims—a union that constitutes the highest guaranty of the political stability and moral progress of the world.

XIII.—SUEZ AND PANAMA—A PARALLEL.

By THEODORE S. WOOLSEY,
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H. Doc. 461, pt 1—20

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SUEZ AND PANAMA—A PARALLEL.

By THEODORE S. WOOLSEY.

There is a certain parallelism in the history of the Suez Canal and of the Panama Canal, to which I ask your attention.

Both are waterways of such transcendent importance as to completely alter the world's trade routes.

Both are under the nominal sovereignty of States which are themselves too poor to construct such works and too weak to protect them when constructed.

In both cases, therefore, there is a mixture of interests to be considered and guarded. There is first the canal as a commercial enterprise, involving physical maintenance, regulation of tolls, policing, return on the investment. There is the country through which it runs, and which grants a concession for it, possessing full or qualified sovereignty over it, profiting by it, but somewhat apprehensive of the results which may flow from it. And there is the State chartering the company of construction, or doing itself the work of construction, and thus owing the enterprise its protection.

A fourth point of resemblance lies in the political and military importance which each canal may be made to assume. One unites England with India, the other joins our own eastern and western coasts. In the Suez Canal Great Britain has a peculiar interest in wishing for control to assist in the mobilization of her fleets and prevent her enemies from using the short road to India and China. In the case of Panama the Pacific and Atlantic squadrons of our own Navy could concentrate upon a threatened point on either coast.

There is a further point of resemblance. To satisfy these various interests and provide a satisfactory international status to both canals until recently the theory of neutralization has been applied. Upon this let me enlarge a little.

There are two possible ways of securing the political stability of an international waterway after construction—by protection or neutralization. The latter is sometimes called internationalization. Under a system of protection one State, or a State and its allies, undertakes to safeguard the canal's stability. In return for this onerous duty special privileges will be claimed. But in neutralization the onus of preserving status is shared by all States joining in the process, and no one can claim special privilege where all are on the same level.

Looking merely at the security of a canal, at its constant commercial usefulness, and granting that the parties to a treaty which guarantees neutralization keep faith, this second method is superior to the first, because it implies a self-denying obligation on the part of the signatories. Each maintains the neutral status by engaging that it will do nothing to violate that status; while under the system of protection there is no such engagement. Security depends upon the power of the protector solely, although if he is at war very likely the canal may be the most vulnerable point of attack upon him.

Other things being equal, then, the joint guaranty of neutral status by the world's maritime powers is to be preferred. But if the privileges gained by the protector state are so great as to be full compensation for his burden other things may not be equal. Such a privilege might be the exclusive use of the canal for military purposes in case of war.

This brings us to the final point of resemblance. In spite of the fact that both Great Britain and the United States have held in the main until recently to the theory of neutralization as the correct policy in both cases, both countries are now inclined to adopt and insist upon the right to protect, strengthening their hold upon the country inclosing the canal, to make their protection more effective.

The culmination of the neutralization policy in Suez is seen in the convention of Constantinople of 1887 between all the leading European powers except Russia. Its terms provided for an open canal at all times for war ships and merchantmen. No act of war was to be permitted upon it or near it, and the twenty-four hours' rule was to be enforced where ships of two

belligerents were in transit. To guard the security of the canal and maintain these neutral features was the duty of the Khedive first, of the Porte secondarily, but finally of the signatory powers in concert. No fortifications were permitted, no special commercial privileges were allowed.

(It is to be noticed that this neutralization was arranged for, although Great Britain had intervened single handed to put down the Arabi outbreak in 1882, and although by her purchase of the Khedive's shares, she was a large stockholder in the concern. There was nevertheless a reservation in the British adherence to this treaty, made three days before its signature, which I think is not generally known. Professor Holland gives it (p. 293) in his *Studies in International Law*, published in 1898.

The delegates of Great Britain in offering this treaty text as the definitive rule to secure the free use of the Suez Canal, believe that it is their duty to announce a general reservation as to the applicability of its provisions in so far as they are incompatible with the transitory and exceptional state in which Egypt is actually found and so far as they might interfere with the liberty of action of the Government during the occupation of Egypt by Her Majesty's forces.

This amounts to protection so long as England occupies Egypt, neutralization afterwards. Professor Holland adds:

It is owing to this reservation that, as was explained by Mr. Curzon in the House of Commons, July 12, 1898, "the terms of this convention have not been brought into practical operation."

Another English writer, in the *Spectator* of December 10, 1898, makes a similar assertion.

In reality the neutrality convention was never brought into force, and is now a dead letter, as the Spaniards found when they tried to coal their fleet at Port Said. They claimed to regard the Suez Canal as an international piece of water, but Lord Cromer insisted, and maintained his point, that it was part of the waters of a neutral power. The Suez Canal is not internationalized, but is under control of the power that controls Egypt.

Whether the other powers who signed and ratified this convention will always accept this curious British view, that a treaty can be declared inoperative by one signatory at will, it is unnecessary to ask. For my present purpose it is enough to call attention to the claim and to the argument. As Egypt becomes, by force of continued occupation, British territory,

even so, *pari passu*, the Suez Canal becomes British waters. And likewise the converse must be true, to bring the canal under British control Great Britain must hold Egypt.

By the middle of the last century neutralization had become the policy of the United States in view of any Central American interoceanic canal. The Clayton-Bulwer treaty not only provided for joint protection and guaranty of neutrality; it also bound its parties to invite other powers to unite with them, thus creating a specific contract and erecting it into a general principle.

In 1867 the same policy still governed, for in its treaty with Nicaragua of that date the United States both guaranteed the neutrality of the contemplated canal and promised to influence other nations to do the same.

Then in the early eighties came a change. The French attempt at Panama awakened American jealousies, and the Monroe doctrine was drawn out with a flourish, like a sword from its sheath. Single-handed neutralization, that is, protection, was advocated by Mr. Blaine and Mr. Frelinghuysen. The Clayton-Bulwer treaty was attacked because it stood in their way. There ensued the French failure at Panama, and the status quo remained.

During the twenty years since then this change of policy has been adhered to. The growth of the United States in wealth and influence has been one reason. Its new-born naval strength, needing rapid mobilization for the defense of either coast, was another reason. The growing conviction that an interoceanic canal is a national undertaking, with important political bearings, and not a private venture, is a third. (Mr. Hay still had a kindly feeling for the neutralization theory and drafted the abrogation of the Clayton-Bulwer treaty to correspond.^a)

But the Senate would have none of that, and now the treaty of 1850, that old bugbear, has been wiped out, with British consent. The next step is ~~such~~ permanent control of the territory to be canalized, ~~whether in Colombia or Nicaragua,~~ ~~whether by cession or lease,~~ as to confer actual sovereignty over it upon the United States. For the moment this hangs fire, but we seem to regard it as essential, and doubtless there

^a In the first Hay-Pauncefote treaty.

~~are ways of bringing pressure to bear.~~ As in the case of Suez, neutralization has given place to protection, and protection means ownership, that is, the substantial possession of sovereignty.

The British tenure in Egypt is an anomalous thing. Repeatedly the British Government has disclaimed the idea of permanent occupation. But, on the other hand, it will not set a limit to its stay, and shows no sign of evacuation. Protection is a burden, but the compensation is worth it.

That seems to be the theory of our own Government also. It ~~will incur~~ large expense in construction; it ~~will~~ assume the constant burden of protection. This may easily involve the maintenance of an established government in the United States of Colombia, to fortify our hold upon the canalized zone. The equivalent will lie in exclusive military control of the canal. Is it worth what it will cost? That remains to be seen.

There is a single thought more. Financial ownership and political control, as applied to an interoceanic canal, are entirely distinct. They are not in the same plane, and neither can be converted into a commercial advantage by any form of discrimination. The freedom of the world's waterways is too well established a principle for that.

XIV.—REASONS FOR THE WITHDRAWAL OF THE FRENCH FROM
MEXICO.

By CLYDE AUGUSTUS DUNIWAY,
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REASONS FOR THE WITHDRAWAL OF THE FRENCH FROM MEXICO.

By CLYDE AUGUSTUS DUNIWAY.

The intervention of Spain, France, and England, in Mexico, under the convention of October 31, 1861, had its ostensible and nominal motive in a desire to secure justice and respect for international obligations. The measures of the joint expedition were to be limited explicitly to such action as might be necessary to obtain redress of grievances.^a But the development of events quickly proved that both Spain and France had ulterior ends to serve. England promptly repudiated any responsibility for, or sympathy with, plans to subvert the republican government of Mexico,^b while Spain persisted in her endeavors only so long as fortune seemed to favor her aspirations for control to the exclusion of French influence.^c

Napoleon III had given instructions to his agents in Mexico to favor and support the intrigues of Mexican refugees, who wished to establish an empire under his protection,^d his wish being "father to the thought" that these conspirators against their country's existing institutions truly reflected the national

^a The convention was printed in French and English in Document No. 100, pp. 134-137, Vol. VIII, House Executive Documents, second session, Thirty-seventh Congress. The proclamation of the allies to the people of Mexico, dated Vera Cruz, January 10, 1862, disclaimed "plans of conquest and restorations and of interfering in your politics and government." (See *ibid.*, 177.) Thouvenel assured Dayton in September, 1861, that France had no purpose to obtain a foothold in Mexico or to occupy permanently any of her territory. (*Ibid.*, 212.)

^b England had been suspicious from the first that her allies were not sincere in their disclaimers as to "domestic intervention," and Russell instructed Crampton and Crowley to leave no doubt of England's position. Adams was given cordial assurance of these facts. (See Doc. 100, pp. 192-195, 424, Vol. VIII, House Ex. Docs., second session, Thirty-seventh Congress.)

^c The final rupture between England and Spain on the one hand and France on the other took place April 9, 1862. (Debidour, *Histoire diplomatique de l'Europe*, II, 235-236.)

^d Jurien's formal instructions, dated November 11, 1861, are summarized in Niox, *Expédition du Mexique*, 43 et seq. On March 20, 1862, the French admiral wrote to General Prim plainly showing the course which was to be pursued. (See U. S. Dipl. Corr., 1862, p. 764.)

longing of Mexico for a stable government under an emperor.^a His conception, too, of his rôle in the arbitrament of national destinies—a part of his fatuous Napoleonic inheritance—urged him forward in the path of intervention. To a degree his course in Mexico was a counterpart of his policy in Italy, in the Papal States, in China, in Algeria. He would prove his empire to be a world power, dispense favors to appease Austria and Holy Church, and win prestige at home and abroad. Finally, as his famous letter to Forey explained,^b he would use a Mexican Empire to introduce a proper counterpoise in America for the Latin peoples against the dominating influence of the United States.

An apparent source of danger for these brilliant plans might be discovered in the sensitiveness of the people of the United States about the extension of European monarchical institutions in America. But apprehensions on that score were allayed by the paralyzing effects of the great American

^a See especially Lefèvre, *Documentos oficiales recogidos en la secretaria privada de Maximiliano*.

^b This letter, dated July 3, 1862, is printed in full in Niox, *Expédition du Mexique*, 212 et seq.; also in Detroyat, *L'Intervention Française au Mexique*, 167 et seq. The following paragraphs are of special significance:

"Le but à atteindre n'est pas d'imposer aux Mexicains une forme de gouvernement qui leur serait antipathique, mais de les seconder dans leurs efforts pour établir, selon leur volonté, un gouvernement qui ait des chances de stabilité et puisse garantir à la France le redressement des griefs dont elle a à se plaindre. Il va sans dire que, si les Mexicains préfèrent une monarchie, il est de l'intérêt de la France de les appuyer dans cette voie, et dans ce cas le général pourrait indiquer l'archiduc Maximilien comme le candidat de la France. Il ne manquera pas de gens qui vous demanderont pour qui nous allons dépenser des hommes et de l'argent pour mettre un prince autrichien sur un trône. Dans l'état actuel de la civilisation du monde, la prospérité de l'Amérique n'est pas indifférente à l'Europe, car c'est elle qui alimente notre industrie et fait vivre notre commerce. Nous avons intérêt à ce que la république des Etats-Unis soit puissante et prospère, mais nous n'en avons aucun à ce qu'elle s'empare de tout le golfe du Mexique, domine de là les Antilles et l'Amérique du Sud, et soit la seule dispensatrice des produits du Nouveau Monde. Maitresse du Mexique, et par conséquent de l'Amérique centrale et du passage entre les deux mers, il n'y aurait plus désormais d'autre puissance en Amérique que celle des Etats-Unis. Si, au contraire, le Mexique conquiert son indépendance et maintient l'intégrité de son territoire, si un gouvernement stable s'y constitue par les armes de la France, nous aurons posé un digne infranchissable aux empiétements des Etats-Unis, nous aurons maintenu l'indépendance de nos colonies des Antilles et de celles de l'ingrate Espagne, nous aurons étendu notre influence bienfaisante au centre de l'Amérique; et cette influence rayonnera au Nord comme au Midi, créera des débouchés immenses à notre commerce et procurera les matières indispensables à notre industrie. Quant au prince qui pourrait monter sur le trône du Mexique, il sera toujours forcé d'agir dans les intérêts de la France, non par reconnaissance seulement, mais surtout parce que ceux de son nouveau pays seront d'accord avec les nôtres, et qu'il ne pourra même se soutenir que par notre influence. Ainsi donc aujourd'hui, notre honneur militaire engagé, l'exigence de notre politique, l'intérêt de notre industrie et de notre commerce, tout nous fait un devoir de marcher sur Mexico, d'y planter hardiment notre drapeau, d'y établir soit une monarchie, si elle n'est pas incompatible avec le sentiment national du pays, soit tout au moins un gouvernement qui promette quelque stabilité."

civil war, and by the impotence which was expected to result from animosities and jealousies between an independent Confederate States of America and a dismembered, weakened United States of America. Napoleon even hoped to be the arbiter in that civil strife, and thus secure a guaranty of his plans in Mexico.^a Once embarked in his enterprise, he was impelled by a due regard for national honor and his personal credit to persist through all discouragements until an overpowering necessity compelled its abandonment.

The problem now to be discussed is the true nature of that overpowering necessity. What circumstances coerced Napoleon III to withdraw the support of the French army and French credit from the task of maintaining Maximilian, Emperor of Mexico, upon the throne of the Montezumas?

The customary answer of American historians presents the one-sided view that imminent danger and direct threat of hostile action in Mexico by the rehabilitated Federal Union, with its magnificent veteran army, drove Napoleon to give up his cherished project.^b But candid investigation of essential facts will compel the conclusion that the withdrawal of the French from Mexico was brought about as the cumulative result of a number of contributing causes. The history of this question, as of any diplomatic question, can not be understood satisfactorily without due consideration of all the national interests involved. It is the vice of national historians that their range of vision scarcely extends beyond national boundaries, and their treatment of this particular subject is but one more illustration of that shortsightedness. No one will deny that the consistent friendship of the United States for the republican government of Mexico contributed very materially to the downfall of Maximilian's Empire. Yet that catastrophe was plainly the product of more far-reaching influences than the policy of any single nation, and a proper account of its problem for the historian must include at least four main points, i. e., a statement of the actual conditions in Mexico, a recognition of the demands of French domestic politics, a consideration of complications in European relations, a treat-

^a There were most interesting interrelations of the Mexican intervention, the treatment of Confederate cruisers, projects for recognition of the Confederacy, proposals for French and English mediation in the United States.

^b See Henderson, *American Diplomatic Questions*, 397; Foster, *Century of American Diplomacy*, 401-403; Bancroft, *Seward*, II, 438.

ment of the attitude of the United States toward Napoleon's policy in Mexico.^a

The proof of the correctness of this analysis of causes is to be found chiefly in the official and confidential communications exchanged at the time between the leading actors and in their published memoirs and autobiographies. On some points, to be sure, the evidence leaves something to be desired, for Government archives and private papers of the period under discussion have not yet been fully opened to reveal to the investigator all the secrets they contain. But the diplomatic documents published by the United States, supplemented by selections from the correspondence of Lincoln, Seward, Sumner, Adams, Dayton, and Bigelow, and confirmed by the memoirs of political leaders, sufficiently set forth the determining motives of the American Government.^b On the other hand, the Mexican imperial papers, seized and published by Maximilian's ruthless adversaries,^c Napoleon's confidential letters to Bazaine, given to the world by Gaulot,^d the Mexican *dossier* saved from the destruction of the Tuilleries,^e the series of diplomatic yellow books, the debates of the Sénat and the Corps Législatif, the comments of the well-informed political press,^f and numerous memoirs,^g such as those of Randon, Lebrun, Rothan, du Barail, Vieil-Castel, Fleury, and Basch,

^a Compare Gaulot, *La Vérité sur l'expédition du Mexique*, II, 327-328; De la Gorce, *Second Empire*, IV, 372-386; Debédour, *Histoire diplomatique de l'Europe*, II, 281, 295. It was a pleasure to find that these writers had reached conclusions very nearly the same as those worked out by independent investigations in the present study. The work of De la Gorce is unusually perspicuous and sane.

^b See the volumes of *Diplomatic Correspondence*, for 1862-1867; also the two volumes on Mexican Affairs, transmitted to the House by special message on March 20, 1866, but including in the printed form appendices illustrating the subject to June of that year (House Ex. Docs., first session, Thirty-ninth Congress). Additional material by participants is in Grant, *Memoirs*; Sheridan, *Memoirs*; Bancroft, *Seward* (footnotes); Pierce, *Sumner*.

^c See Lefèvre, *Documentos* (cited above). A French edition is entitled, *Documents officiels recueillis dans la secrétairerie privée de Maximilien*.

^d Gaulot, *La Vérité sur l'expédition du Mexique*.

^e *Papiers et correspondance de la famille impériale*.

^f See especially the *London Times* and *L'Indépendance Belge*. The latter's Paris correspondents seem to have been favored with unusual facilities for a correct understanding of political movements.

^g More or less valuable information on the Mexican questions in publications of this general character is to be found in Randon, *Mémoires*; Lebrun, *Souvenirs Militaires*; Rothan, *Origines de la guerre de 1870*; du Barail, *Mes Souvenirs*; Vieil-Castel, *Mémoires*; Fleury, *Souvenirs*; Basch, *Erinnerungen aus Mexico*; Barrot, *Mémoires*; de Massa, *Souvenirs et impressions*; Persigny, *Mémoires*; Darimon, *Le tiers parti sous l'Empire*; Loizillon, *Lettres sur l'expédition du Mexique*; de Schrynmakers, *Le Mexique*; Detroyat, *L'Intervention Française au Mexique*.

explain the French point of view. A critical comparison of these categories of materials emanating from so many sources makes it quite possible to sketch the truth in clear outline.^a

In the beginning of his enterprise Napoleon III's expectations of speedy success in the establishment of a Mexican monarchy dependent upon France were unclouded by doubts. Conservative and clerical refugees had convinced him that a small contingent of his troops would suffice to overcome any factious opposition by liberals. The minister of foreign affairs was doubtless sincere at the time in his assurances to the United States that France would not attempt to coerce the people of Mexico to choose any particular form of government.^b He believed that the French flag would be acclaimed everywhere as a symbol of deliverance from anarchy and oppression, and under its protection a free national choice would speedily result in the organization of a stable monarchy. These expectations received a series of rude shocks from the checks suffered by the "army of deliverance" (notably before Puebla) at the hands of the troops of the Republic. General Forey succeeded in vindicating the honor of the French arms by his victorious march from Puebla to the capital in the spring and summer of 1863. Thereupon M. de Saligny, Napoleon's political representative, supported by Forey, proceeded at once to execute instructions by forming an assembly of notables, proclaiming an empire, and offering the crown to Maximilian. Unfortunately for these

^aThe best of the French secondary works on this special subject are: Gaulot, *La Vérité sur l'expédition du Mexique*; Niox, *Expédition du Mexique*; Kératry, *L'Élévation et la chute de l'Empereur Maximilien*; Domenech, *Histoire du Mexique*. More general treatments are given in Delord, *Histoire du Second Empire*, vols. IV and V, *passim*; and in De la Gorce, *Histoire du Second Empire*, vols. IV and V, *passim*—the latter being accurate and judicious.

^bSee Dayton's dispatch to Seward, September 27, 1861, in Doc. No. 100, page 212, House Ex. Docs., second session, Thirty-seventh Congress. Some interest attaches to an explanation of his plans given by Napoleon in a personal letter to Gen. James Watson Webb on March 22, 1863. "You are greatly mistaken," said Napoleon, "if you believe that any motive of ambition or cupidity has led me to Mexico. Engaged in this enterprise by Spain, and led by the doings of Juarez, I reluctantly sent first 2,000 men; afterwards, the national honor being compromised, my troops were increased to 8,000; finally, the repulse at Puebla having engaged our military honor, I sent over 35,000 men. It is, therefore, much against my inclination that I am compelled to wage war at such a distance from France, and it is in no way for the purpose of taking possession of the mines of the Sonora that my soldiers are fighting. But now that the French flag is in Mexico, it is difficult for me to foretell what may happen; at all events, my intention is to withdraw as soon as honor and the interests now engaged allow me." (Jerrold, *Napoleon III*, IV, 343.)

zealous agents, Napoleon's policy had undergone a transformation. Randon and Drouyn de Lhuys, aided by a majority in the cabinet, had convinced him that he ought to withdraw from Mexico, appeased by the prestige of victory, and content to treat with the republican Government for redress of grievances. But the news of the rapid movements of Saligny and Forey again changed the aspect of the Mexican question. The Emperor manifested his displeasure by the recall of Saligny and Forey, although he now felt that he could not draw back from the policy to which he stood publicly committed.^a Large reinforcements and extensive operations became necessary to establish an empire which the inhabitants of Mexico would not receive gladly. No successes on the field of battle sufficed to stamp out armed resistance to the invading foreigner. No distribution of 35,000 soldiers in garrisons could destroy the authority of the republican Government in regions not continuously policed by strong military forces.^b Maximilian's final acceptance of the imperial crown^c was followed by only a few months of seeming progress toward complete pacification. While official dispatches and semiofficial announcements maintained the hollow pretense of success in the objects of the intervention, frank reports of actual conditions were being received from trusted agents. In April, 1865, M. Rouher might assure the Corps Législatif that the objects of the intervention were being rapidly attained, and M. Corta could picture a brilliant industrial future for Mexico, both orators seeking to encourage the French investing public to buy more bonds for the support of the new empire.^d But at the same time Napoleon was not left in ignorance of the unsurmounted obstacles which made necessary the presence of a large army in the midst of a population alleged to

^a Randon, *Mémoires*, II, 81, 84-85; Viell-Castel, *Mémoires*, VI, 288. Note also the character of Dayton's dispatches in *Dipl. Corr.*, 1863, Vol. II, 726, 730, 745, 760, 773. The following brief paragraph from Randon is explicit:

"Au fond, comme tous les membres du conseil, le maréchal était contraire à l'expédition Mexicaine et aurait voulu la terminer le plus vite possible. Le patriotisme Mexicain s'exaltait, et l'opinion publique, en France, se montrait, de jour en jour, plus contraire à l'expédition. Les vives attaques des membres de l'opposition, au palais Bourbon, contre le gouvernement impérial, servaient d'encouragement à nos adversaires."

^b The dispatches of United States Consul Creel from Chihuahua during 1865 illustrate the inability of the French to gain the confidence of the Mexican people. (*Mexican Affairs*, II, 516-523.)

^c For the guaranties under which Maximilian assumed his dangerous position, see *Diplomatic Correspondence*, 1864, p. 74.

^d Debates of April 10-15, 1865.

be pacified, and which required frequent subventions from the French treasury to supply deficiencies in ordinary revenues. For example, Lieutenant-Colonel Bressonnet wrote in April and June, 1865, that the pacification of Mexico had scarcely been begun, and no one could foresee its final accomplishment. In August and September the same officer sent even more discouraging reports of frightful disorders, alleging that Mexican society was rotten to the core, and that he saw no hope of success under Maximilian or in the presence of such conditions.^a Generals Douay and Neigre declared also, in September, 1865, that Maximilian was not able to maintain order and peace, even with the help of the French army.^b Likewise, friction had developed between Bazaine, the military administrator of Mexico, and Maximilian, the nominal ruler of her destinies.^c Each wrote complaints against the other to the common master of both—the former charging Maximilian with incompetence and ingratitude, the latter caviling at the measures of the officer who merely executed his patron's orders. Bazaine retained the confidence of his commander, despite the difficulties of his anomalous position. Maximilian betrayed his own incapacity by his unwisdom, and alienated the good will which was his only reliance. Napoleon progressed from discouragement to disgust, and then from despair of success to a disposition to seek relief from fruitless sacrifices.^d

^a *Papiers et correspondance de la famille impériale*, letters of April 27, June 10, August 9, September 8. Letters of later date from the same officer reenforce these warnings, and other correspondents wrote to the same effect.

^b Gaulot, *La Vérité*, II, 266-267. Randon's complaints to Bazaine are illustrated in *ibid.*, 241-242.

^c Gaulot, *La Vérité*, II, 293, 301, and *passim*.

^d This was plainly manifested in the summer of 1865 and became insistent in November of that year. See Gaulot, II, 261, 293, 301. Napoleon's confidential expression of November 29 to Bazaine was as follows: "J'ai reçu ce matin votre lettre du 28 octobre, et je vois que les choses au Mexique ne vont pas bien. Il est indispensable que je prenne une résolution énergique, car nous ne pouvons pas rester sans cesse dans cet état d'incertitude, qui paralyse tous les progrès et augmente les charges de la France. Je vais mûrement réfléchir aux mesures à prendre; en attendant, mettez tous vos soins à organiser l'armée Mexicaine, afin que nous puissions dans un temps donné, évacuer le pays. J'espère que les Américains, malgré leur jactance, ne voudront pas entrer en guerre avec nous; mais, ce danger écarté, il s'agit de savoir dans quel état nous laisserons le Mexique après notre départ. Il faut que l'Empereur Maximilien comprenne que nous ne pouvons rester indéfiniment au Mexique, et qu'au lieu de bâtir des théâtres et des palais, il est essentiel de mettre de l'ordre dans les finances et sur les grandes routes. Qu'il sache bien qu'il sera beaucoup plus facile d'abandonner un gouvernement qui n'a rien fait pour pouvoir vivre que de le soutenir malgré lui. Recevez, mon cher Maréchal, l'assurance de ma sincère amitié."

The tendency of questions of domestic politics was to accentuate such an inclination. Under a fair exterior the affairs of France were in serious disorder.^a Ambitious schemes had been entertained in all directions, at home and abroad, always with the effect of laying heavy burdens upon the treasury. A series of deficits finally compelled the adoption of a programme of retrenchment, insisted upon by M. Fould.^b In common with other members of the cabinet, this minister disapproved of the Mexican expedition, and could easily show that there was no reasonable hope of making the new empire self-supporting.^c France could ill afford to supply soldiers and pay the cost of civil administration for Maximilian, while the effective force of the national army at home must be further reduced, as it was in 1865, in order to secure a balanced budget.^d These facts had been no less obvious to the opposition, and MM. Thiers and Picard led in outspoken attacks upon the Government for the failures of the distant intervention and for its burdensome demands upon the treasury.^e The language of the press left no doubt that the Emperor's Mexican policy was decidedly unpopular with the public as well as among the politicians of all schools.^f The Corps Législatif were thereupon informed repeatedly in 1864 that no permanent occupation of Mexico was intended,^g and by January, 1865, 8,000 of the expeditionary corps were returned to France. Debates upon an opposition amendment to the address to the throne in April, 1865, drew from M. Rouher the declaration that more

^a Delord, *Second Empire*, IV and V, *passim*; De la Gorce, *Second Empire*, IV and V, *passim*; Persigny, *Mémoires*, 351 et seq.; Darimon, *Le tiers parti sous l'Empire*, 407 et seq.

^b A convenient summary of French finances for the years 1865-66, together with searching criticisms by Thiers, is in *Annuaire des deux mondes*, 1864-65, p. 84.

^c See an important letter from Fould to Napoleon in *Papiers et corr. fam. imp.*, II, 73-77, which reviewed and condemned the expedition. One of the statements is the following: "Plus de deux ans se sont écoulés dans ces luttes intestines, sans qu'aucune amélioration réelle ait été faite au point de vue administratif ou financier. Les dépenses, non-seulement de la guerre, mais de l'administration intérieure, ont été supportées par la France, soit sous forme de subventions, soit sous celle d'emprunts contractés à Paris."

^d Randon, *Mémoires*, II, 107-110; Rothan, *Origines de la guerre de 1870*, 216-236, 318.

^e Thiers, *Discours parlementaires*, IX, 447 et seq.

^f *L'Indépendance Belge*, 1865, *passim*; De la Gorce, IV, 378; *London Times*, leader, January 17, 1866. M. Rouher subsequently admitted this unpopularity in an apology for the course of the Government. "Oui, nous avons délibéré tristement et solennellement; oui, nous avons interrogé les fluctuations de l'opinion publique, et nous nous sommes résignés à prononcer le mot d'évacuation." *Annales du Sénat et du Corps Législatif*, 1867, p. 118.

^g *Annales du Sénat et du Corps Législatif*, session 1864, *passim*.

troops were on the way from Mexico, and that all would be brought back as rapidly as circumstances would permit.^a

The relation of France to the readjustment of European national boundaries and the aggressive policy of Bismarck was another source of anxiety to Napoleon. He had remained neutral in the struggle for Italian consolidation, obtaining Savoy and Nice as the price of his policy. And although he had not wholly abandoned his rôle of protector of the Pope, he had antagonized both the Papacy and Italy and repelled all other powers by the annexation. His proposal to settle the disorders of Poland and the status of the Danish Duchies by a general congress had been rejected. The outcome of the Schleswig-Holstein war brought him face to face with the problem of the undue aggrandisement of Prussia. He clearly foresaw an impending struggle for supremacy between Prussia and Austria. He must be prepared for any eventualities, all his forces must be well in hand, if his position were to command respect, and if he were to obtain substantial benefits for France.^b Freedom from the embarrassments of the Mexican intervention might become essential to the security of French interests in the grave crisis of European complications.^c

Finally, if any pressure were needed to enforce the lesson of events in Europe and Mexico, such influence was exerted

^a *Annales du Sénat et du Corps Législatif*, session 1865, under dates of April 10-15. The Emperor's address of February 15 had congratulated the legislature that the army was returning from Mexico. (See Napoléon III, *Œuvres*, V, 228.)

^b De la Gorce, IV, 376, comments upon European complications and the fears of the Emperor's counsellors in 1865.

^c Napoleon did not act promptly upon these considerations because he dreaded the odium of deserting his puppet and the discredit of confessing his defeat. Further, he believed that the approaching war would be a prolonged struggle with the chances of victory in favor of Austria—and this was another reason for postponing precipitate retreat from Mexico. His situation in July, 1866, brought most serious consequences to France when Prussia so rapidly and unexpectedly overwhelmed Austria. There were still 28,000 French troops in Mexico, but the loss to the effective force of the army caused by the Mexican expedition far exceeded the amount indicated by those figures. On the 5th of July, 1866, Drouyn de Lhuys seemingly convinced Napoleon that he ought at once to convoke the Chambers, mobilize the army, and intervene to check Prussia. The adversaries of this policy, by their insistence upon the relative weakness of the army at the moment, induced the Emperor to postpone decisive action. Randon in vain contended that the army would prove equal to the demands of the occasion. (See Randon, *Mémoires*, II, 145-240; Napoléon III, *Œuvres Posthumes*, 122-137; Lebrun, *Souvenirs Militaires*, 1-5; De la Gorce, *Second Empire*, V, 17; Persigny, *Mémoires*, 342-343, 351; du Barail, *Souvenirs*, II, 293-294; Leygot, *M. Rouher et le Second Empire*, 57-58, 66; Rothan, *Origines de la guerre de 1870*, 82-64, 210-236; D'Harcourt, *Les Quatre Ministres de Drouyn de Lhuys*, 260-261; Seignobos, *Europe contemporaine*, 756-761; Debidour, *Histoire diplomatique de l'Europe*, II, 276, 281, 296.)

by the knowledge that the American people were hostile to Maximilian's Empire. The diplomatic representatives of the United States always and even ostentatiously admitted the right of France to make war upon Mexico.^a While they had never failed to express partiality for republican institutions, and frequently argued against the wisdom of any propaganda for the establishment of a monarchy in America,^b they had avoided all mention of a Monroe doctrine.^c For nearly four years they professed a confiding trust in denials by the French that the occupation of Mexico might be an excuse for imposing a monarchy upon an unwilling people.^d Lincoln and Seward were not really deceived by insincere professions,^e but they keenly appreciated the danger of provoking Napoleon to a recognition of the Confederacy while the tremendous task of saving the Union required all the nation's energies.^f Nor did Johnson and Seward yield to the clamor for vigorous measures against the French, which arose as soon as the Federal Union was triumphant. During the progress of months of the most delicate negotiations in 1865, the Government of the United States resisted the almost unanimous sentiment of its people for war with France,^g when the state of affairs in Mexico, the demands of domestic politics in France, and the critical nature of European complications were not understood by the American public as they were by the Administration. Nevertheless, with a gradual development of plain-spokenness, Seward made known to Napoleon the dif-

^a This was the consistent point of view of American diplomacy—that France and the republican Government of Mexico were at war.

^b Compare Seward's dispatches of June 21, 1862, and June 30, 1865.

^c Bancroft, Seward, II, makes a special point of this.

^d Compare the dispatches of 1861, 1863, and those of 1865.

^e The letters of Seward, Adams, Dayton, Bigelow, Schurz, and Corwin repeatedly called attention to Napoleon's real motives. (E. g., Document No. 100, pp. 206-208, House Ex. Docs., second session, Thirty-seventh Congress.)

^f Nicolay and Hay, Lincoln, VII, 423. Note the wise treatment of the bellicose resolution unanimously adopted by the House of Representatives on April 4, 1864. Also see Lincoln's comment upon a hostile resolution in the declarations of the Union National Convention. (Pierce, Sumner, IV, 118; Rhodes, United States, IV, 471-472; Nicolay and Hay, Lincoln, VII, 407-410.)

^g For example, see Grant, Memoirs, II, 545-547; Sheridan, Memoirs, II, ch. ix; Schofield, Forty-six Years in the Army, 380-382. Grant says that he regarded the intervention in Mexico as a "direct act of war against the United States by the powers engaged, and supposed, as a matter of course, that the United States would treat it as such when their hands were free to strike." Some of the American correspondence of the London Times gave valuable commentaries upon public opinion. See the issues of November 18, 1865; January 15 and 22, 1866.

ficulties of a situation from which there was to be only one peaceful mode of escape. From February to July the dominant note in Seward's instructions to Bigelow was one of reiterated assurance that the United States would not pursue any policy of aggression in regard to Mexico. From July to September the American dispatches consisted mainly of complaints about the relations of Mexico to the disbanded forces of the Confederate States. On September 6 and September 20, Seward undertook cautious discussions of the political problems arising out of French policy in Mexico, suggesting the dangers of friction which arose from the pressure of public opinion in the United States. On November 6 he argued plainly for the first time that the presence of a French army supporting Maximilian was in antagonism to the policy of the United States. Not until December 16 did he state that the policy of peace with France might be in imminent jeopardy unless France should desist from intervention in Mexico.^a

The responses of the French minister of foreign affairs to this series of communications had shown a thorough appreciation of the necessities of his situation. He asserted repeatedly that his Government had always intended to withdraw its forces from Mexico as soon as satisfaction for grievances could be obtained from a stable government.^b Bigelow reported his own opinion that these were correct statements of the wish and intention of the imperial administration.^c The public pledges which had been given to the Corps Législatif were supplemented as early as September, 1865, by diplomatic guaranties that the progressive and early return of the army was the settled policy of the Emperor.^d A suggestion that the United States ought to accord recognition of Maximilian as the price of prompt withdrawal of the French army—evidently made with the faint hope that Napoleon's credit might thus be saved—served only to elicit a curt rebuff, followed by Seward's December menaces. Before January 9, 1866,

^aThese crucial communications, together with the French replies, are in the volumes on Mexican Affairs, House Ex. Docs., first session, Thirty-ninth Congress, as well as in the Diplomatic Correspondence, 1865.

^bSee preceding note.

^cSee Bigelow's dispatch, February 17, 1865.

^dSee Bigelow's dispatch, September 21, 1865. Randon was writing to Bazaine in August that he must expect a time limit to the intervention. (Gaulot, II, 261.)

Napoleon had concluded that circumstances required him to accept even these humiliations.^a

After having received definite information of Napoleon's intentions,^b and therefore believing that war was hardly to be feared, the American Secretary of State yielded at last to the feeling of Congress and the people and wrote his peremptory dispatch of February 12, 1866, to demand the assignment of a time limit to intervention in Mexico.^c Whatever might have been the original purposes of the expedition, said he, they had become subordinate to the maintenance of a political revolution by armed intervention. The presence of the French in Mexico had become a source of apprehension and danger to all republican states in America. There need be no fear lest the United States might itself be unfaithful to the policy of nonintervention, and therefore Napoleon should not delay to give the President information as to the time within which French military operations might be expected to cease in Mexico. The public response of Napoleon was not made until the announcement of April 5, 1866, that the French army would retire from Mexico in three divisions, in Novem-

^a Dispatches to Montholon and Dano and letters to Bazaine fully prove this. (See Gaulot, II, 321-322.) Bigelow's dispatches of January 11, 25, and 30 also reflected the actual situation of the issue. The painful dilemma of Napoleon was well stated in a London Times leading article on January 17, 1866. The Paris correspondent of *L'Indépendance Belge* correctly explained the decision of the French Government in the first week of January, 1866. Bazaine's confidential correspondence during 1865 shows serious attention to the problems which might arise from armed intervention in Mexico by the United States, but there was no real expectation that war would result. (See Gaulot, II, 228, 236, 238-242, 258.)

^b Mexican Affairs, I, 286. A dispatch from Drouyn de Lhuys to Montholon, dated January 9, was shown to Seward on January 29 to let him know what was to be expected. It will be noted also that the imperial speech of January 22 had announced the intention of withdrawal. (See Napoleon III, *CŒuvres*, 252-253.) No satisfactory proof has been found of the part played by unofficial communications and personal representatives. The mission of Schofield in Paris in December, 1865, is quite obscure. The General thought of himself as instructed to convince Napoleon that war would result if France did not satisfy American public opinion by prompt withdrawal. (Schofield, *Forty-Six Years in the Army*, 380-382.) The newspapers were much impressed by his presence in Paris. (*L'Indépendance Belge*, December 4-15, 1865.) Frederic Bancroft believes that Schofield's alleged mission was merely a ruse by Seward to remove the General from the Rio Grande, where he might have caused an open rupture with the French commander. (Seward, II, 435.) The part played by General James Watson Webb in November, 1865, is also doubtful. Jerrold reports that Webb had an interview with Napoleon on November 10, in the course of which the latter authorized the former to assure Johnson that the French troops would withdraw from Mexico in twelve, eighteen, or twenty-four months. Jerrold further quotes an article in the New York Times, April 10, 1869, to the effect that Seward was fully informed of all this before December 6, 1865. (Jerrold, Napoleon III, IV, 344-345.)

^c Mexican Affairs, II, 548 et seq.

ber, 1866, and in March and November, 1867,^a but confidential and positive orders of similar tenor had been given to Bazaine on January 15 and 31, 1866, and M. Saillard had been sent to Mexico to assist in preparing for the movement of troops.^b The haughty tone of Seward's dispatches at this juncture, after the main issue had been fully and explicitly decided, was peculiarly irritating to the French Government, but a natural resentment was not permitted to alter the wise policy of withdrawal from American embarrassments. Questions of ways and means, matters of detail, might still be the subject of inquiry and negotiation, but Maximilian was to be abandoned in order that France might have a free hand to secure her interests in Europe.^c

Certainly this game of diplomacy had been skillfully played by Seward. In the days of national adversity he had returned to France the soft answer which turneth away wrath. Biding his time, he waited until he knew that circumstances, stronger than Napoleon's wishes, had clearly doomed the Mexican enterprise to failure. Then, and not until then, was the United

^a Bigelow to Seward, April 6, 1866, and Drouyn de Lhuys to Montholon, April 5, in conjunction with the publication in the *Moniteur* of April 5.

^b Gaulot, II, 321-322, prints the following in the confidential letter of January 15 from Napoleon to Bazaine: "Les difficultés que me suscite sans cesse l'expédition du Mexique me forcent de fixer définitivement l'époque du rappel de mes troupes. Le plus longtemps que je puisse accorder pour le rapatriement du corps d'armée, qui ne doit se faire que successivement, est le commencement de l'année prochaine. Je vous envoie le baron Saillard pour qu'il s'entende avec vous et avec l'Empereur Maximilien relativement à l'exécution de cette mesure. Je voudrais que l'évacuation du Mexique ne compromette pas le pouvoir de l'Empereur. Avisez donc aux moyens d'organiser solidement la légion étrangère et l'armée Mexicaine. Il faut que l'Empereur montre une grande énergie et trouve dans son pays les ressources nécessaires pour subvenir à ses dépenses. Je viens d'ailleurs d'écrire dans ce sens à l'Empereur Maximilien lui-même." Randon reinforced this on the same date in writing to Bazaine: "Nous ne pouvons pas prolonger indéfiniment notre séjour au Mexique; plusieurs raisons qu'il est inutile d'énumérer font une loi au gouvernement de l'Empereur de poser des termes à notre occupation. Le rapatriement devra commencer l'hiver prochain ou mieux encore à l'automne; il devra continuer sans précipitation mais sans être interrompu." (Niox, *Expédition du Mexique*, 550.) Napoleon wrote further to Bazaine on January 31: "Quoique je n'aie rien de nouveau à vous écrire, je tiens cependant à vous répéter ce que j'ai chargé M. Saillard de vous dire. Les circonstances, plus fortes que ma volonté, m'obligent à évacuer le Mexique, mais je ne veux le faire qu'en laissant derrière moi à l'Empereur Maximilien toutes les chances de se maintenir avec ses propres forces et la légion étrangère. Il faut donc que vous mettiez tout votre zèle et toute votre intelligence à organiser quelque chose de durable dans le pays, afin que nos efforts n'aient pas été en pure perte. Vous avez, pour accomplir cette difficile tâche, un an ou dix-huit mois." (Gaulot, II, 326.)

^c It does not come within the scope of this paper to treat the period after April, 1866, because there could no longer be any doubt, after that date, that the French would soon withdraw from Mexico. Nor is it necessary to discuss questions such as the effort of Napoleon to induce Maximilian to abdicate, or the peremptory demands of the United States in the famous cable dispatch of November 23, 1866.

States committed to demands which must receive satisfaction because the adversary could not afford to bid defiance. The attainment of national ends by the ways of peace, without the suffering and horror of war, is the ideal of enlightened statesmanship. Seward obtained the credit of such a triumph. But if this paper presents a reasonable interpretation of the situation in which Mexico and Maximilian, France and Napoleon, Europe and Bismarck, the United States and Seward found themselves from 1864 to 1866, the withdrawal of French support from the Mexican Empire of Maximilian had been determined mainly by influences over which the United States could exert only slight and indirect control. Persistent refusals to admit that Juarez had ceased to be the legal representative of the Mexican National Government certainly gave courage to the republicans and made them feel that their cause could not be hopeless. They were enabled by the arms, clandestinely supplied to them after 1865, to equip their troops for the final contest with Maximilian. But circumstances relating chiefly to Mexico herself, and to Napoleon's position in France and in Europe, had already determined the abandonment of an intervention which had been unsuccessful, burdensome, and dangerous.

XV.—REPORT OF THE PUBLIC ARCHIVES COMMISSION.

WILLIAM MACDONALD, *Chairman.*

HERBERT L. OSGOOD.

CHARLES M. ANDREWS.

JOHN MARTIN VINCENT.

EDWIN ERLE SPARKS.

REPORT OF THE PUBLIC ARCHIVES COMMISSION.

DECEMBER 30, 1902.

To the Council of the American Historical Association:

The Public Archives Commission respectfully submit herewith a partial report on the archives of Oregon, prepared by Prof. F. G. Young, of the University of Oregon, and a further report prepared by Mr. Eugene C. Barker, of the University of Texas, on the Bexar archives, this last being a reprint, with additions and corrections, of an article prepared by the late Prof. Lester G. Bugbee, a former member of the commission, and published in the Quarterly of the Texas Historical Society.

There are in preparation reports on the State and county records of California by Prof. Kendrick C. Babcock, of the University of California; on the records of Illinois by Prof. Francis W. Shepardson, of the University of Chicago; on the county records of North Carolina by Prof. John S. Bassett, of Trinity College; and on the county records of Maryland by Rev. Charles William Sommerville, of Baltimore. Plans are also under consideration for the preparation of a comprehensive report on the Spanish records of the Southwest.

The report by Prof. H. L. Osgood on the archives of New York has been followed up by efforts in two directions. In the first place, it was thought that the time was favorable for the printing of at least a part of the Minutes of the Common Council of the city of New York. Therefore, with the cooperation of the New York Historical Society, the proposition was submitted to Mayor Low. It met with his approval. An appropriation of \$7,000 has been made for the purpose. A committee, consisting of members of the New York Historical Society, has been appointed, and under a resolution of the board of aldermen has already undertaken the work of editing these records. The minutes which have been selected for publication are those of the period between 1675 and 1776,

and they will fill about seven volumes in print. The publication of these records will be made a feature of the approaching celebration of the two hundred and fiftieth anniversary of the bestowment of municipal rights on the city of New York.

A representation has also been made to the mayor setting forth the need of better care of the city's records. The organization of a municipal record office was recommended, in which should be deposited the records of extinct jurisdictions and those which are not needed in the transaction of current official business. On this recommendation definite action has not yet been taken.

In the second place, the report revealed such neglect and loss of local records in the sections where the inquiry was made as to make it seem almost a necessity that some steps should be taken to remedy this evil. The only method through which the State, as a whole, can be reached and a genuine reform effected, is that of supervision through a State record commissioner. The admirable results which have been attained by the record commissioner of Massachusetts suggested the adoption of a similar policy in New York. In order to bring the subject properly before the authorities concerned, the cooperation of the New York Historical Society was again sought. A committee of that society was appointed, which entered into communication with all the historical and patriotic societies of the State, for the purpose of securing their assent to the presentation of a joint memorial to the governor and legislature on the care of local records and the necessity for the creation of a State record commission. The cooperation of these societies was without difficulty obtained. A memorial was drawn, which has already been signed by the proper officers of all the societies referred to, and it will be submitted to the governor and the legislature at the opening of the session in January.

The following is a copy of the memorial:

To His Excellency the Governor and the

Senate and Assembly of the State of New York:

Your memorialists respectfully represent, that the law of the State of New York intrusts the custody of the public records of counties, villages, cities, and towns to the clerks of those respective jurisdictions, to county supervisors, to surrogates, registers of deeds, and to heads of departments in the large municipalities. The law also requires that when the term of office of any supervisor or town clerk shall expire, or when such officer shall resign, he shall, when required, deliver upon oath to his successor

all the records, books, and papers in his possession or under his control and belonging to the office held by him. In the case of the death of such officers, their executors or administrators, when such demand is made upon them, shall deliver the books and papers belonging to the office of their testator or intestate.

The law also provides that a public officer may demand from any person in whose possession they may be the delivery of the books and papers belonging to his office. If such demand is refused, complaint may be made to the proper judicial authority, and after due time has elapsed and it still appears that books or papers are withheld, the justice or judge may commit the offender to the county jail till he delivers them or is otherwise discharged. After such commitment official search may be made and the books and papers, if found, shall be delivered to the complainant. The law also declares that a person is guilty of grand larceny who steals or unlawfully obtains or appropriates a record of a court or officer, or a writing, instrument, or record filed or deposited according to law with any public officer or in his office.

Your memorialists further represent that, though the above is in substance the law of the State of New York, yet to the best of their knowledge and belief it is by no means properly executed or obeyed, especially on the part of town and village officials throughout the State. They also believe that, though in principle the law relating to public records has always been the same as it is to-day, yet by local officers, and those connected with them, it has in all past years been to a large extent violated or ignored. In very many localities, and perhaps in nearly all of them at times, records which are really public have been treated as private property. Outgoing officials have retained them in their possession. They have been stored away in private houses or offices, and for generations have lain unnoticed or have been consciously regarded as a part of the family possessions. While in private possession, whether by accident or otherwise, many such records have been utterly destroyed. When not destroyed by the process just described they have become inaccessible and for all practical purposes nonexistent.

Your memorialists further represent that, according to their best knowledge and belief, in many localities public records receive very inadequate care at the hands of their legal custodians. In some cases they are lost or destroyed through carelessness. In others, private parties are permitted to borrow, abstract, or remove them, and in such cases they are likely never to find their way back to the offices where they belong. Those which are actually in the possession of existing clerks are often packed away in inaccessible places. As a rule no attempt is made suitably to arrange old papers, or to preserve, bind, and copy old minute books. In the large cities, because of the crowded condition of the offices, it is almost impossible to consult the records which are there deposited. Furthermore, local records, as a rule, are not kept in fireproof buildings, safes, or vaults, and therefore are continually exposed to destruction by fire. Every year some are lost in this way. The failure properly to secure records against destruction in this form is often due to the unwillingness of boards of supervisors, or of village and town boards, to make the necessary appropriations.

Your memorialists further represent, that the preservation of a large and important part of the historical records of this Commonwealth is involved in the question which they now submit to your honorable body. Through the destruction of records in the past irreparable loss has been suffered. As societies which have been founded for the perpetuation of the spirit and the memorials of our past, they respectfully ask that measures be adopted which shall effectually preserve and make accessible that part of our local records which still remains in existence. It is believed to be the duty of every intelligent community to preserve and transmit to later times all that shall throw light on its own origin and development. The growing interest which is felt in matters of this kind in all our Commonwealths is an indication that the neglect with which public records have hitherto been treated should cease.

Your memorialists further represent, that in their judgment all that is necessary to secure this end is the passage of a comprehensive act which shall embody the best principles of existing legislation and provide adequately for their enforcement. We do not advocate the removal of local records from the custody of the officers in whose charge they now are. We do not seek to regulate in any way the keeping of the records of the State at Albany or to interfere with the administration of offices in which records are now carefully preserved and made properly accessible. But we do wish to see such pressure brought to bear on local officials and boards who are careless in these matters as will lead them to recover and preserve the records which belong within their custody. In other words, we desire to see the principle of existing law enforced. But it is our belief that this can be accomplished only through a system of State supervision.

Your memorialists would therefore respectfully urge the creation of a State record commission, which shall be furnished by law with proper authority and resources to enable it to supplement, and, when necessary, to control the work of town, village, city, and county clerks in this matter.

A bill has also been drafted which embodies some of the features of the Massachusetts law of 1897 relating to the preservation of public records, but with such changes as adapt it to conditions in New York. A copy of the bill is here inserted:

[Explanation. Matter in *italics* is new; matter in brackets [] is old law to be omitted.]

AN ACT to amend chapter three hundred and ninety-three of the laws of eighteen hundred and ninety-five, as amended by chapter sixty-three of the laws of nineteen hundred, relating to the state historian.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter three hundred and ninety-three of the laws of eighteen hundred and ninety-five entitled "An act to provide for the appointment of a state historian and for the compilation of the military and naval records of the state," as amended by chapter sixty-three of the laws of nineteen hundred, is hereby amended to read as follows:

§ 1. The governor shall appoint by and with the advice and consent of the senate, a state [historian] *commissioner of records* [,]. [whose duty it shall be.]

§ 2. *It shall be the duty of the state commissioner of records to collect, collate, compile, edit and prepare for publication all official records, memoranda, and data relative to the colonial wars, war of the revolution, war of eighteen hundred and twelve, Mexican war, and war of the rebellion, together with all official records, memoranda and statistics affecting the relations between this commonwealth and foreign powers, between this state and other states and between this state and the United States.*

§ 3. *It shall be the further duty of such state commissioner of records to correspond with the public officers in this state, who by law are entrusted with the care and custody of papers, documents, maps and records of any character whatsoever for the purpose of ascertaining the character and condition of the papers, documents, maps and records, which may be under their control, or which may be on file in their respective offices. He shall when necessary visit the offices of said officers and inspect the papers, documents, maps and records there found, and ascertain, when possible, the existence and location of those which are not to be found within such offices. It shall be his duty to recommend to the proper authorities the construction of fire proof buildings, vaults and safes for the preservation of such papers, documents, maps and records.*

§ 4. *The state commissioner of records shall have full power to examine into the condition of the papers, documents, maps and records in the possession or under the control of the clerks, registers, surrogates, town clerks, village clerks and all other public officers, or preserved in the public offices of this state, other than the state departments.*

§ 5. *The said state commissioner of records may himself or in conjunction with the several public officers, as the case may be, take any proceedings provided by law for the purpose of obtaining possession of books or other papers, which may be withheld from a public officer entitled to the same, in like manner as public officers may do under the laws of this state. This section shall not be deemed to affect the powers of public officers under the laws of this state, relating to this subject, but it is supplemental thereto.*

[§ 2.] § 6. *The state commissioner of records [historian] shall annually make a report to the legislature, and shall receive for his services the sum of four thousand five hundred dollars per annum, which shall include all necessary travelling expenses, and he shall have the power to employ a chief clerk, whose salary [compensation] shall not exceed fifteen hundred dollars per annum.*

§ 7. *The state commissioner of records shall appoint a deputy commissioner who shall receive for his services the sum of three thousand dollars per annum, and for travelling and other expenses a sum not to exceed one thousand dollars per annum.*

§ 8. *The provisions of this act other than those contained in section two shall apply only to records of a date prior to the year eighteen hundred and fifty.*

§ 2. The title to chapter three hundred and ninety-three of the laws of eighteen hundred and ninety-five as amended by chapter sixty-three of the laws of nineteen hundred, is hereby amended to read as follows: "An act to provide for the appointment of a state [historian] *commissioner of records* [and] for the compilation of the military and naval records of the state, *and the supervision and care of the records in public offices of the state.*

§ 3. This act shall take effect immediately.

The draft of the bill has met with a favorable reception, and the outlook for its favorable consideration by the Legislature is thought to be encouraging.

Respectfully submitted.

WILLIAM MACDONALD.

HERBERT L. OSGOOD.

JOHN MARTIN VINCENT.

CHARLES M. ANDREWS.

EDWIN ERLE SPARKS.

REPORT ON THE ARCHIVES OF OREGON.

A collection of printed documents designated by the secretary of state as the "Archives" of the State contains the following:

CODES.

The Code of Civil Procedure, and other general statutes of Oregon, enacted by the legislative assembly at the session commencing September 8, 1862. Salem: 1863. Code commissioners: M. P. Deady, A. C. Gibbs, J. K. Kelly.

General Laws of Oregon, 1845-1864. Compiled and annotated by M. P. Deady. Salem: 1865.

General Laws of Oregon, 1843-1872. Compiled and annotated by M. P. Deady and Lafayette Lane.

The Codes and General Laws of Oregon. Compiled and annotated by William Lair Hill. 2 vols. San Francisco: 1887. Published by authority of an act of February 26, 1885.

Same, including statutes and decisions to 1892. San Francisco: 1892.

ARCHIVES.

The Oregon Archives, including the Journals, Governors' Messages, and Public Papers of Oregon. By Lafayette Grover, commissioner. Salem: 1853.

"From the earliest attempt on the part of the people to form a government, down to and inclusive of the session of the Territorial legislature held in the year 1849, collected and published pursuant to an act of the legislative assembly, passed January 26, 1853."

Same, including the following additional contents:

(a) Papers relating to the war with the Cayuse Indians.

(b) "Laws of a general and local nature passed by the legislative committee and legislative assembly at their successive sessions from the year 1843 down to and inclusive of the session of the Territorial legislature held in 1849; except such laws of said session as were published in the bound volume of Oregon Statutes, dated Oregon City, 1851." Collected and published pursuant to an act of January 26, 1853. Oregon City: 1853.

Statutes of a general nature. Oregon City: 1851.

Passed by the legislative assembly of the Territory of Oregon at the second session, begun and held at Oregon City, December 2, 1850.

Journals, local laws, and joint resolutions of the legislative assembly of the Territory of Oregon.

- (a) Journal of the council of the Territory of Oregon during the second session of the legislative assembly, begun and held at Oregon City, December 2, 1850. Oregon City: 1851.
- (b) Journal of the house of representatives of the Territory of Oregon. Being the second session of the legislative assembly, begun and held at Oregon City. Oregon City: 1851.
- (c) Statutes of a social nature and joint resolutions of the legislative assembly of the Territory of Oregon. Passed at the second session thereof, begun and held December 2, 1850, at Oregon City. Oregon City: 1851.

Laws and journals, Oregon, 1851-52:

- (a) General laws passed by the legislative assembly of the Territory of Oregon at the third regular session thereof, begun and held at Salem, December 1, 1851. Oregon City: 1852.
- (b) Local laws and joint resolutions of the legislative assembly of the Territory of Oregon. Passed at the third regular session, begun and held at Salem, December 1, 1851. Oregon City: 1852.
- (c) Journal of the house of representatives of the Territory of Oregon during the first session of the legislative assembly, begun and held at Oregon City, July 16, 1849. Oregon City: 1854.
- (d) Journal of the council of the Territory of Oregon, during the first regular session of the legislative assembly, begun and held at Oregon City, July 16, 1849. Oregon City: 1854.
- (e) Journal of the house of representatives of the Territory of Oregon. Being the third regular session of the legislative assembly, begun and held at Salem, December 11, 1851.

Appendix: Memorial to Congress requesting officers appointed from among themselves; increase of salaries of revenue collectors; establishment of military posts; mail facilities.

- (f) Journal of the house of representatives of the Territory of Oregon. Being a special session, begun and held at Salem, July 26, 1852. Oregon City: 1852.
- (g) Journal of the council of the Territory of Oregon. Being a special session, begun and held at Salem, July 26, 1852. Oregon City: 1852.
- (h) Journal of the council of Oregon during the third regular session of the legislative assembly, begun and held at Salem, December 1, 1851. Oregon City: 1852.

Appendix: Memorial to the Senate and House of Representatives of the United States, expressing dissatisfaction with Governor Gaines and the Territorial judges; including also Judge Pratt's opinion on the "Location Law."

Laws and journals, 1852-53:

- (a) General laws passed by the legislative assembly of the Territory of Oregon at the fourth regular session thereof, begun and held at Salem, December 6, 1852. Oregon City: 1853.
- (b) Special laws and joint resolutions of the legislative assembly of the Territory of Oregon, passed at the fourth regular session thereof, begun and held at Salem, December 6, 1852. Oregon City: 1853.
- (c) Journal of the council of the Territory of Oregon during the fourth regular session of the legislative assembly, begun and held at Salem, December 6, 1852. Oregon City: 1853.

Appendix: Librarian's report, with catalogue of library.

Report of company sent out from counties of Lane and Linn to learn the practicability of an emigrant route from Fort Boise to Willomett Forks; commenced August 20, 1852, and lasted sixty days.

Report of secretary relating to distribution of general laws and journals and local laws.

Reports of payments made on account of the library.

Report of the treasurer.

- (d) Journal of the house of representatives of the Territory of Oregon during the fourth regular session of the legislative assembly, begun and held at Salem, December 6, 1852. Oregon City: 1853.

Appendix: Correspondence relating to provisions for the convicts of Oregon Territory in the guardhouse at Columbia Barracks.

Instructions to the governor and secretary of Oregon Territory in disbursing money intrusted to them, by virtue of their offices, from the Treasury Department of the United States.

Report of the minority of the committee on Maynard's bill for divorce.

Report of Governor Gaines of the money received and expended for the Territorial library, with copy of letter from the Comptroller of the Treasury of the United States.

Majority and minority report of commissioners to superintend the erection of a penitentiary at Portland.

Report of the auditor of public accounts.

Memorial by Territorial legislature to Congress, requesting a release to Dr. John McLoughlin of the "Oregon City claim" and a donation to the Territory for university endowment in lieu thereof of a township of land.

Report of commissioner on Cayuse war claims.

Report of committee to whom the foregoing report was referred.

Laws and journals, 1852-53—Continued.

(*a*) Journal of the house, etc.—Continued.

Appendix: Memorial to Congress, urging the importance of immediate action on the part of the General Government relative to the construction of a railroad from some point on the Mississippi River to some point on the Pacific Ocean or some of the navigable waters connected therewith.

Resolutions requesting: (*a*) Delegate in Congress to use his best endeavors to secure the erection of marine hospitals at desirable points on the Oregon coast; (*b*) Congress to divide the Territory of Oregon.

Speaker's decisions.

Laws and journals, Oregon, 1853, 1854, 1855-56.

(*a*) Journal of the house of representatives of Oregon, during the fifth regular session of the legislative assembly, begun and held at Salem, December 5, 1853. Salem: 1854.

Appendix: Report of commissioners elected to prepare a code of laws.

Librarian's report, with catalogue of library.

Report of commissioner on Cayuse war claims.

Report of the auditor of public accounts.

Report of Territorial treasurer.

Memorial to Congress, urging compensation for services and for losses sustained in war with Rogue River Indians.

Report of committee to whom was referred reports of auditor and treasurer.

Memorial to the Postmaster-General, urging provision of mail facilities for southern Oregon.

Report of commissioners to superintend the erection of a penitentiary.

Report of legislative committee on the progress of the work on the penitentiary.

Report of the commissioners to superintend the erection of public buildings.

Memorial asking admission as a State.

Memorial asking for a change in the act of Congress of September 27, 1850, so as to release to Dr. John McLoughlin what is known as the "Oregon City claim," and in lieu thereof donate to the Territory two townships of land.

Report of moneys expended by the commissioners for the erection of a penitentiary.

Memorial urging change in the land law of September 27, 1850, so as to facilitate the process of securing titles.

Laws and journals, Oregon, 1853, 1854, 1855-56—Continued.

(a) Journal of the house, etc.—Continued.

Appendix: Resolution relating to the statehouse building fund, safes for auditor and treasurer, funds for public buildings, relief of Joseph Hunsacker.

Speaker's decisions.

(b) Special laws passed by the legislative assembly of the Territory of Oregon at the fifth regular session, begun and held at Salem, December 5, 1853. Oregon: 1854.

(c) Journal of the council of the legislative assembly of the Territory of Oregon, during the fifth annual session, begun and held at Salem, December 5, 1853. Oregon: 1854.

Appendix: Report of the committee appointed to draft rules for the government of the council.

Report of commissioners to superintend the erection of public buildings.

Communication relating to the binding of the Oregon archives.

Report relative to the selection and location of university lands.

Resignation of one of the commissioners.

Report of the joint code committee.

Report of auditor of public accounts.

Report of the Territorial treasurer.

Report of the judiciary committee for the repeal of the Stephen's Ferry charter.

Communication of William M. King, relating to contract for building a penitentiary.

(d) Reports of the decisions of the supreme court of the Territory of Oregon at the December term, 1853. Judges: George H. Williams, chief justice; Cyrus Olney, Obadiah B. McFadden, associate justices.

(e) Bound in the same volume are the following: Laws of the legislative assembly of the Territory of Oregon, enacted during the seventh regular session thereof, begun December 3, 1855, and concluded January 31, 1856. General laws, special laws.

Journals, Oregon, 1854-55.

(a) Journals of the house of representatives of the Territory of Oregon during the sixth regular session of the legislative assembly, begun and held at Salem December 4, 1854. Corvallis, Oreg.: 1854.

Appendix: Rules for the government of the house of representatives of Oregon Territory.

Treasurer's report.

Correspondence relating to the massacre of immigrants by the Snake River Indians, in August, 1854.

Report of auditor of public accounts.

Report of the university land commissioner.

Report of the statehouse commissioners.

Journals, Oregon, 1854-55—Continued.**(a) Journals of the house, etc.—Continued.**

Appendix: Report of the Willamette Falls Canal, Milling and Transportation Company.

Report of commissioners to erect the Territorial university.

Report of the Territorial librarian, with catalogue of library.

Reports, majority and minority, of judiciary committee on petition of Mary Ann Huner.

Report of commissioners to erect penitentiary.

Report of Governor Curry on massacre of a portion of the immigration of last season near Fort Boise, with correspondence of military officials.

Memorial to the legislature of the Territorial printer.

Report of the statehouse commissioners.

Report of the joint committee on the charges against the commissioners for the erection of the statehouse.

Message of Governor Curry, in relation to the investigation of the expenditure of the penitentiary fund, submitting papers containing accounts, etc.

Report of joint committee on message from the governor in relation to the massacre of immigrants last season by the Snake River Indians.

Message of Governor Curry submitting a report of the disbursements and the condition of the fund appropriated by Congress for the erection of public buildings.

Report of select committee on the report of the statehouse commissioners.

Report on the burning of the city jail of Portland by Oregon convicts confined therein.

Report of minority of committee on relief of Addison Flint for viewing and locating the Territorial road from Corvallis to Winchester.

(b) Special laws passed by the legislative assembly of the Territory of Oregon at the sixth regular session thereof, begun and held at Salem, December 4, 1854. Corvallis: 1855.

(c) Journal of the council of the Territory of Oregon during the sixth regular session of the legislative assembly, begun and held at Salem, December 4, 1855.

Appendix: Treasurer's report.

Correspondence relating to the massacre of immigrants by the Snake River Indians in August, 1854.

Report of auditor of public accounts.

Report of university land commissioner.

Report on bill to legalize the marriage of John C. Carey and Sarah Carey.

Report of statehouse commissioners.

Journals, Oregon, 1854-55—Continued.

(c) Journal of the council, etc.—Continued.

Appendix: Report of Willamette Falls Canal, Milling and Transportation Company.

Report of commissioners to erect Territorial university.

Report of commissioners to erect penitentiary.

Message of Governor Curry relating to plans by which perpetrators of massacre of immigrants near Fort Boise might be brought to justice; submitting also correspondence of military officials.

Memorial of Territorial printer relating to the shipment of 1,000 copies of Oregon documents from New York.

Report of statehouse commissioners.

Report of joint committee against statehouse commissioners.

Message of Governor Curry in relation to the investigation of the expenditure of the penitentiary fund, submitting papers.

Report of joint committee on message of the governor relating to the massacre of immigrants by the Snake River Indians.

Message of the governor submitting the report of the disbursements and condition of the fund appropriated by Congress for the erection of public buildings.

Message by Governor Curry relating to the recommendation of the Superintendent of Indian Affairs in regard to the law prohibiting the sale of arms and ammunition to the Indians.

(d) Reports of the decisions of the supreme court of Oregon during the years 1853-54. Judges: George H. Williams, chief justice; Cyrus Olney, Obadiah B. McFadden, M. P. Deady, associate justices. Corvallis: 1855.

(e) Reports of the decisions of the supreme court of Oregon, at the December term, 1854. Judges: George H. Williams, chief justice; Cyrus Olney, M. P. Deady, associate justices. Corvallis: 1855.

Supreme court reports, 1855-56.

(a) Reports of the decisions of the supreme court of the Territory of Oregon, rendered at the June and December terms, 1855, and June term, 1856. Judges: George H. Williams, chief justice; Cyrus Olney, M. P. Deady, associate justices. Salem: 1856.

(b) Journal of the house of representatives of the Territory of Oregon, during the seventh regular session from December 3, 1855, to January 31, 1856. Salem, Oreg., 1856.

(Bound in the same volume with (a).)

Appendix: Rules of the house.

Correspondence relating to the location and erection of capitol buildings.

Report of the commissioners to erect penitentiary.

Report of the auditor of public accounts.

Supreme court reports, 1855-56—Continued.

(b) Journal of the house, etc.—Continued.

Appendix: Message of Governor Curry and correspondence relating to the suppression of Indian hostilities.

Report of the disbursements and condition of the fund appropriated by Congress for the erection of public buildings.

Report of the university land commissioner.

Report of quartermaster of the Department of Oregon Territory, of adjutant-general and surgeon-in-chief of the medical department, of commissary-general.

Memorial to the President of the United States complaining of the course of General Wool in connection with the suppression of the Indian hostilities.

Preamble to act providing for the taking of the sense of the people of the Territory relative to forming a State government.

Report of the commissioners to superintend the erection of a monument over the grave of Hon. S. R. Thurston.

Memorial criticizing the action of the superintendent of Indian affairs of the Territory in his location of Indian tribes.

Memorial relating to the issuing of patents to land claimants.

Memorial urging claims for services rendered in punishing the Snake tribe of Indians.

Memorial relating to the assumption of indebtedness of provisional government of Oregon.

Memorial praying for the establishment of a mail route from San Francisco to Olympia.

Memorial requesting an appropriation for the construction of a military road from Oregon City to the Dalles.

Memorial relative to the establishment of a mail service east of the Cascade Mountains.

Report of the Territorial librarian.

Report of the committee to inquire into the causes of the destruction of the statehouse.

Memorial asking Congress to assume the expenses of the existing Indian war.

Memorial preferring charges against the surveyor-general.

Correspondence and resolution relating to the events of the Indian war.

Laws of Oregon, 1855-56.

Laws of the legislative assembly of the Territory of Oregon, enacted during the seventh regular session thereof, begun December 3, 1855, and concluded January 31, 1856. Salem: 1856.

General laws, special laws.

Laws and journals of Oregon, 1856-57.

- (a) Laws of the legislative assembly of the Territory of Oregon, enacted during the eighth regular session thereof, begun December 1, 1856; concluded January 29, 1857. Salem: 1857.
- (b) Journal of the proceedings of the council of the legislative assembly of the Territory of Oregon during the regular session from December 1, 1856, to January 29, 1857. Salem: 1857.

Appendix: Memorial of Messrs. Dickinson and Fitch and other papers relating to the Territorial penitentiary at Portland.

Report referring to contest for seat in the council; also petition and other papers relating to the same.

Joint resolution instructing Delegate in Congress to secure further donations of university lands.

Rules of the council, joint rules.

- (c) Journal of the house of representatives of the Territory of Oregon, during the eighth regular session, 1856-57. Salem: 1857.

Appendix: Message of the governor.

Report of the comptroller.

Report on capitol fund.

Correspondence between the governor and the Secretary of War in relation to General Wool and to location of the capital.

Report of the auditor of public accounts.

Report of select committee to which was referred the auditor's report.

Annual report of the university land commissioner.

Treasurer's report.

Message of the governor submitting correspondence relating to Indian hostilities.

Report of the commissioners for the erection of a penitentiary.

Report of the commissioner to audit claims growing out of the Indian war of Oregon Territory.

Report of committee appointed to visit the penitentiary.

Pilot commissioner's report.

Report and papers in a case of a contested election.

Papers relating to penitentiary.

Communications of auditor.

Librarian's report.

Miscellaneous reports, resolutions, and memorials.

Rules of the house.

Laws of the legislative assembly of the Territory of Oregon, enacted during the eighth regular session thereof, begun December 1, 1856; concluded January 29, 1857. Salem: 1857.

General laws, special laws.

House and senate journals, 1856-57.

- (a) Journal of the proceedings of the council of the legislative assembly of the Territory of Oregon, during the regular session, from December 1, 1856, to January 29, 1857. Salem: 1857.

Appendix: (The same as listed under "(b)" under the heading "Appendix" of the "Laws and journals of Oregon, 1856-57.")

- (b) Journal of the ninth regular session of the house of representatives of the legislative assembly of the Territory of Oregon, commencing December 7, 1857. Salem: 1858.

Appendix: Librarian's report.

Auditor's report.

University land commissioner's report.

Report of the superintendent of the penitentiary.

Report of the condition of the fund for the erection of public buildings.

Laws of the Territory of Oregon enacted during the ninth regular session of the legislative assembly, begun December 7, 1857; concluded February 5, 1858. Salem: 1858.

- (a) Constitution of Oregon. General laws. Special laws.

- (b) Journal of the legislative assembly of the Territory of Oregon, during the seventh regular session, from December 3, 1855, to January 31, 1856. Salem: 1856.

Appendix: Treasurer's report.

Penitentiary report.

Auditor's report.

Pilot commissioner's report.

Laws and journals of Oregon, 1858-59.

- (a) Laws of the Territory of Oregon, enacted during the tenth regular session of the legislative assembly, begun December 6, 1858; concluded January 22, 1859. Salem: 1859.

General laws, special laws.

- (b) Journal of the Territorial council of the legislative assembly of Oregon Territory, tenth regular session, 1858-59. Salem: 1859.

Appendix: Report relative to a contested seat.

Report of the committee on education.

Report of casualties by committee on military affairs.

- (c) Journal of the house of representatives of the Territory of Oregon, during the regular session, 1858-59. Salem: 1859.

Appendix: Documents accompanying the governor's message.

Correspondence relating to buildings required for the accommodation of the Territorial officers of the United States.

Report of commission on Indian war expenses in Oregon and Washington.

Auditor's report.

Account accompanying the auditor's report.

Treasurer's report.

Report of superintendent of penitentiary.

Chaplain's report accompanying the above.

Laws and journals of Oregon, 1858-59—Continued.

(c) Journal of the house, etc.—Continued.

Appendix: Report of the university land commissioner.

Librarian's report.

Report on failure to print documents accompanying the governor's message.

Report on claims of Roberts and Shortle.

Proposition of Joseph Knott to make penitentiary a self-supporting institution.

Report of joint committee on education.

Minority report of the same committee.

Report of judiciary committee on petitions asking for the passage of a law to protect property of slaves in the Territory of Oregon.

Minority report on the same.

Proposition on the administration of the penitentiary.

Report on petitions asking for the enactment of "a prohibitory liquor law."

Statement of amount annually paid by the secretary of Oregon for rent of legislative halls and offices and the fitting up of the same.

Report of the committee on military affairs.

Laws and journals of Oregon, 1859-60.

Laws of the State of Oregon enacted during the first extra session of the legislative assembly begun May 16, 1859, concluded June 4, 1859. Salem: 1859.

(a) General laws and special laws.

(b) Journal of the house of representatives of the legislative assembly of the State of Oregon during the first session thereof, 1858. Salem: 1859.

(Minutes show an attempt at what is called the "first regular session," on September 13, 1858. It was adjourned on the second day. A session had also been held from July 5 to July 9.)

(c) Journal of the house of representatives of the legislative assembly of the State of Oregon during the first extra session, 1859. Salem: 1859.

(d) Journal of the senate of the legislative assembly of the State of Oregon during the first extra session, 1859. Salem: 1859.

The State constitution, together with the session laws of Oregon enacted during the first regular session of the legislative assembly of Oregon, September 10, 1860. Salem: 1860.

Constitution, general laws, resolutions, and memorials.

(e) Journal of the proceedings of the senate of the legislative assembly of Oregon during the first regular session thereof, begun September 10, 1860. Salem: 1860.

Appendix: Declarations of pardon.

Documents relating to swamp-land acts.

Treasurer's report.

Memorial to Congress asking the payment of the Indian war claims.

Laws and journals of Oregon, 1859-60—Continued.**(e) Journal of the house, etc.—Continued.**

Appendix: Memorial by J. Quinn Thornton asking acceptance of a silver medal commemorating the discovery of the mouth of the Columbia River.

Report of committee recommending acceptance of the medal.

Governor's message calling attention to the massacre of immigrants near Salmon Falls on the Snake River.

Secretary's report.

(f) Journal of the proceedings of the house of representatives of the legislative assembly of Oregon during the first regular session, commenced September 10, 1860. Salem: 1860.

Appendix: Librarian's report.

Report and memorial concerning the penitentiary.

Report relative to agricultural societies.

Report of pilot commissioner.

Report of committee on education.

House journal, 1860.**(a) Same as (f) above.****(b) Journal of the proceedings of the senate of the legislative assembly of Oregon for the session of 1862. Salem: 1862.****(c) Special laws of the State of Oregon and memorials and joint resolutions enacted by the legislative assembly thereof during the session of 1862. Salem: 1862.****House and senate journals, 1862.****(a) Journal of the proceedings of the house of the legislative assembly of Oregon for the session of 1862. Salem: 1862.**

Appendix: Governor's message and accompanying documents, mainly grants of pardon and correspondence relating to threatened Indian depredations.

Treasurer's report.

Special message and accompanying documents.

Secretary's report.

Librarian's report.

(b) Same as (b) above.**Journals and local laws of Oregon, 1862.****(a) Same as (b) above.****(b) Same as (c) above.****(c) Same as (a) of the "Senate and house journal, 1862."****House and senate journals, 1864.****(a) Journal of the proceedings of the house of the legislative assembly of Oregon for the third regular session, 1864.**

Appendix: Governor's message.

Abstract of reports of county school superintendents.

Drs. Glisan and Wilson's report as visiting and inspecting physicians of the Oregon Insane Asylum.

Petition for the extension of the contract with Drs. Hawthorne and Loryea.

House and senate journals, 1864—Continued.

(a) Journal of the house, etc.—Continued.

Appendix: Biennial report of the physicians of the Oregon Hospital for the Insane.

Names of persons pardoned.

Penitentiary report.

Secretary's report.

Report of State treasurer.

Report of adjutant-general.

Abstract of description book of the First Cavalry Regiment Oregon Volunteers.

Librarian's report.

Railroad report.

Special message relating to the locating of the State's public lands.

Mrs. Thornton's letter presenting tomahawk.

(b) Journal of the proceedings of the senate of the legislative assembly of Oregon for the session of 1864. Salem: 1864.

(c) Special laws of the State of Oregon enacted during the third regular session of the legislative assembly, begun September 12 and concluded October 22, 1864.

(d) Memorials and joint resolutions.

House and senate journals, 1864.

(a) and (b) Same as (b), (c), and (d) above.

(c) Same as (a) under "House and senate journals, 1864."

House and senate journals, 1864-65.

(a) Same as (c) next above.

(b) The senate journal during the special session, begun and held December, 1865. Salem: 1866.

(c) Special laws, resolutions.

(d) The journal of the house during the special session begun and held December, 1865. Salem: 1866.

(e) Report of the adjutant-general of the State of Oregon for 1865.

(f) Message of Governor Addison C. Gibbs to the legislative assembly and accompanying documents for the special session, December 5, 1865. Salem: 1865.

(g) Report of the penitentiary commissioners for the quarter ending May 31, 1865. Salem: 1865.

(h) Report of the secretary of state.

(i) Report of the State printer.

House and senate journals, 1865.

(a) Same as (d) to (i) inclusive next above.

(b) and (c) Same as (b) and (c) next above.

Messages and documents, 1865.

(a) Report of the secretary of state, September, 1866.

(b) Report of the State treasurer, September, 1866.

(c) Report of the commissioners of the university and common-school fund.

(d) Report of the State librarian, September, 1866.

Messages and documents, 1865—Continued.

- (*c*) Census returns and statements of taxes and bounties.
- (*f*) Copy of deed transferring land to the State on which statehouse is erected.
- (*g*) History of mint established in 1849.
- (*h*) Report of the Willamette University.
- (*i*) Abstract of votes at general election, June 4, 1866.
- (*j*) Abstract of commissioners of deeds.
- (*k*) Abstract of notaries public.
- (*l*) Abstract of articles of incorporation from September 1, 1864, to August 31, 1866.
- (*m*) to (*t*), inclusive. Same as (*b*) to (*i*) under "Senate and house journals, 1864-65."

Miscellaneous documents, Oregon archives, 1865-1880.

- (*a*) In the matter of the State of Oregon, claiming certain lands in said State as "Swamp and overflowed," under and by virtue of the acts of Congress of September 28, 1850, and March 12, 1860. Correspondence and house joint resolution pertaining thereto.
- (*b*) Report of the adjutant-general of the State of Oregon for 1863-64.
- (*c*) Same, for the year 1864.
- (*d*) Same, for the year 1865.
- (*e*) to (*p*), inclusive. Same as (*a*) to (*l*) under "Messages and documents, 1865."
- (*q*) Adjutant-general's report, September, 1868.
- (*r*) Same, September, 1872.
- (*s*) Report of the joint committee to investigate the manner of the segregation and sale of the swamp and overflowed lands, 1878.
- (*t*) In the circuit court of the United States for the district of Oregon. John Nightingal and S. G. Elliott, plaintiffs, v. The Oregon Central and Oregon and California Railroad companies, et al., defendants.

Laws of Oregon, 1865-1870.

- (*a*) The general laws of Oregon passed at the special session, begun and held December, 1865. Salem: 1866.
- (*b*) Resolutions and memorials passed at the same session as above.
- (*c*) Acts and resolutions of the legislative assembly of the State of Oregon passed at the fourth regular session, 1866. Salem: 1866.
- (*d*) Joint resolutions and memorials, 1866.
- (*e*) General laws of the legislative assembly of the State of Oregon passed at the third regular session, 1864, and the special session, 1865, omitted by mistake from the volumes published after the adjournment of said sessions. Ordered published by law approved October 24, 1866.
- (*f*) Reports of the decisions of the supreme court of the State of Oregon, as filed in the office of the secretary of state since the publication of 1862. Salem: 1866.
- (*g*) General laws of the State of Oregon passed at the fifth regular session of the legislative assembly thereof, 1868. Salem: 1868.

Laws of Oregon, 1865-1870—Continued.

- (h) Special laws of the State of Oregon passed at the fifth regular session of the legislative assembly thereof, 1868. Salem: 1868.
- (i) Joint resolutions and memorials of the State of Oregon passed at the fifth regular session of the legislative assembly thereof, 1868. Salem: 1868.
- (j) Amendments to the laws of Oregon compiled in accordance with the senate joint resolution, No. 22, directing the publication of all amendments to the civil and criminal code. Salem: 1868.
- (k) Acts and resolutions of the legislative assembly of the State of Oregon passed at the sixth regular session, 1870, and supreme court decisions. Salem: 1870.

General laws, special laws, joint resolutions, joint memorials, supreme court decisions.

Senate and house journals, 1866.

- (a) Journal of the senate proceedings of the legislative assembly of Oregon for the fourth regular session, 1866. Salem: 1866.
- (b) Journal of the proceedings of the house of the legislative assembly of Oregon for the fourth regular session, 1866. Salem: 1866.

Appendix: Second biennial report of the physicians of the Oregon Hospital for the Insane.

Adjutant-general's report for 1865-66.

Report of the superintendent of the penitentiary.

Report of the penitentiary commissioners.

House joint resolutions.

(Then follows a list of documents the same as from (e) to (p) under "Miscellaneous documents, Oregon archives, 1865-1880.")

Laws of Oregon and decisions of the supreme court, 1866.

- (a), (b), (c), and (d). Same as (g), (h), (i), and (j), respectively, of the "Laws of Oregon, 1865-1870."

Laws of Oregon and decisions of the supreme court, 1872.

Acts and resolutions of the legislative assembly of the State of Oregon passed at the seventh regular session, 1872, and decisions of the supreme court. Salem: 1872.

General laws, special laws, joint resolutions, joint memorials, decisions of the supreme court.

Laws of Oregon and decisions of the supreme court, 1874.

Acts and resolutions of the legislative assembly of the State of Oregon, passed at the eighth regular session, 1874, and decisions of the supreme court.

General laws, special laws, joint resolutions, joint memorials, decisions of the supreme court: September term, 1872; January term, 1873; July term, 1873; December term, 1873; August term, 1874; December term, 1874.

Appendix: Opinion and findings of M. P. Deady, referee, in the case of the State of Oregon v. Samuel E. May et al.

The later archives are arranged in quite uniform series of publications.

Series A:

Laws of Oregon. Comprises volumes as follows:

- 1876. Ninth regular session.
- 1878. Tenth regular session.
- 1880. Eleventh regular session.
- 1882. Twelfth regular session.
- 1885. Thirteenth legislative assembly, special session.
- 1885. Thirteenth regular session.
- 1887. Fourteenth regular session.
- 1889. Fifteenth regular session.
- 1891. Sixteenth regular session.
- 1893. Seventeenth regular session.
- 1895. Eighteenth regular session.
- 1897. Nineteenth regular session.
- 1898. Twentieth legislative assembly, special session.
- 1899. Twentieth regular session.
- 1901. Twenty-first regular session.

(The contents of the above series are uniformly: General laws, special laws, joint resolutions, joint memorials, names changed, financial statement. The joint resolutions are termed "Concurrent resolutions in the laws of the special session of the twentieth legislative assembly." The special laws of the last (twenty-first) regular session are omitted.)

Series B:

House journals.

Extensive lists of documents are bound in with the earlier volumes of this series, as follows:

- (1) 1857-58. Legislative assembly of the Territory of Oregon.

Appendix: Librarian's report.

Auditor's report.

University land commissioner's report.

Report of the superintendent of the penitentiary.

Report of the condition of the fund for the erection of public buildings.

Treasurer's report.

Report of the visiting committee to the penitentiary.

Auditor's report of claims.

Pilot commissioner's report.

- (2) First regular session of the legislative assembly, 1860.

Appendix: Librarian's report.

Report and memorial concerning penitentiary.

Report of select committee on penitentiary.

Memorial relating to agricultural societies.

Report of select committee on vessels entering the Columbia River.

Memorial to Congress to establish a branch on the Columbia and Western rivers.

Series B—Continued.

House journals—Continued.

(3) Session of 1862.

Appendix: Governor's message.

Pardons.

Correspondence on military matters.

Treasurer's report.

Special message.

Report of sublessee of State penitentiary.

Report of committee on military affairs.

Secretary's report.

Librarian's report.

(4) Special session, 1865.

Appendix: Report of adjutant-general.

Governor's message.

Report of visiting committee to the penitentiary.

Report of the proprietors of the Asylum for the Insane.

Report of the secretary of state.

Report of the condition of the fund for the erection of public buildings.

Report of State printer.

(Later volumes have no appendixes until 1885, when the governor's messages and the inaugural addresses are included.)

Series C:

Senate journal.

The series is uniform from 1868. There is a "Senate journal, 1897," as the senate succeeded in effecting an organization that year, while the house did not, and therefore the corresponding journal for the house is lacking. The volume for 1897 has the governor's message in an appendix; the volume for 1901 has the governor's message and accompanying documents.

Series D:
Oregon reports. Decisions of the supreme court.

Volume.	Reporter.	Publisher.
I	Jon. G. Wilson, clerk	{ Banks & Bros., New York. A. L. Bancroft & Co., San Fran- cisco.
II	do	Do.
III	do	{ Bancroft & Whitney, San Fran- cisco. A. L. Bancroft & Co., San Fran- cisco.
IV	C. B. Bellinger, reporter	Do.
V	do	Do.
VI	do	Do.
VII	do	Do.
VIII	do	Do.
IX	T. B. Odeneal	Geo. H. Himes, Portland.
X	do	M. Waite & W. H. Byars, Salem.
XI	do	Do.
XII	J. A. Stratton	Sumner, Whitney & Co., San Francisco.
XIII	do	Bancroft-Whitney Co., San Fran- cisco.
XIV	do	Do.
XV	W. H. Holmes	Do.
XVI	do	Do.
XVII	do	Do.
XVIII	W. W. Thayer, chief justice	Frank C. Baker, State printer, Salem.
XIX	R. S. Strahan	Do.
XX	Geo. H. Burnett, reporter	Do.
XXI	do	Do.
XXII	do	Do.
XXIII-XXXIX	Robert G. Morrow	W. H. Leeds, State printer, Salem.

- Series E:
Separate volumes of miscellaneous documents.
- Adjutant-general's report, 1835.
 - Adjutant-general's report, 1865-66.
 - Adjutant-general's report, 1868.
 - Adjutant-general's report, 1865-1878.
 - Journal of the constitutional convention of the State of Oregon.
Salem: 1882.
 - State board of equalization tables, 1891-1897.
 - State levy of taxes, 1888-1899.
 - Report of committee of investigation, appointed pursuant to house
joint resolutions Nos. 8 and 10, passed at the tenth regular ses-
sion of legislative assembly. Salem: 1877.
 - Report of investigating committee, appointed pursuant to senate
joint resolution No. 27, passed at the sixth regular session of the
legislative assembly, 1870. Salem: 1870.
 - Briefs in State cases, 1881.
 - Report of secretary of state, 1880.
 - Documents, 1880.
 - Oregon school reports, 1883-84.
 - The early Indian wars of Oregon, by Frances Fuller Victor, com-
piled from the Oregon archives and other original sources, with
muster rolls. Salem: 1895.

Series E—Continued.

Separate volume of miscellaneous documents—Continued.

- Exercises on the fortieth anniversary of the statehood of Oregon,
February 14, 1899. Held before the legislative assembly.
- Report of the secretary of state, 1897-98.
- Report of the secretary of state, 1899-1900.
- Fish and game report, 1897-98.
- Report of board of charities and corrections; 1892.
- Report of State treasurer, 1897-98.

The following is a list of the public documents regularly printed:

Title.	Regular edition.	When due.
General laws, memorials, resolutions	1,500	April, biennially.
Special laws	100	Do.
Various special laws (in pamphlet form).....	240	May, biennially.
House journal	240	July, biennially.
Senate journal.....	240	Do.
Supreme court reports.....	600	About every five months.
Report fish commissioner.....	720	December, biennially.
Governor's message	720	Do.
Report:		
Board of horticulture	3,000	Do.
Secretary of state	1,000	Do.
Superintendent of public instruction.....	1,000	Do.
State biologist	1,000	Do.
State librarian	480	Do.
Adjutant-general	480	Do.
Game and forestry warden	480	Do.
Dairy and food commissioner	480	Do.
President and regents State university	480	Do.
Trustees Oregon Soldiers' Home.....	480	Do.
Trustees and superintendent Oregon State Insane Asylum.	480	Do.
Superintendent State penitentiary	480	Do.
State treasurer.....	240	Do.
Attorney-general	240	Do.
State land agent.....	240	Do.
State land board	240	Do.
Public building commissioners.....	240	Do.
Oregon State Reform School.....	240	Do.
Superintendent Oregon Institute for the Blind.	240	Do.
Oregon School for Deaf Mutes	240	Do.
State stove foundry.....	240	Do.
Statement of commutations and remissions	240	Do.
Governor's inaugural address	720	Usually every four years.
Statement of State levy of taxes ^a	240	January, annually.
Report of insurance commissioner ^a	960	April, annually.
Statement of summaries of assessment rolls ^a	1,200	January, annually.
Statement of expenses of various counties ^a	1,200	Do.
Insurance laws of Oregon ^a	960	April, biennially.
Game laws.....	2,500	Do.
Road laws	1,500	Do.
Fish laws	2,500	Do.
School laws ^b	1,180	Do.

^a Published by secretary of state. ^b Published by State board of education.

REPORT ON THE BEXAR ARCHIVES.

The following description of the Bexar Archives is reprinted from the University of Texas Record, October, 1899. In substance it had previously been published in the San Antonio Express, September 23, 1898.

By vote of the commissioners' court of Bexar County, the University of Texas has just come into possession of one of the great historical treasures of the American continent. This large collection of documents, almost all in manuscript, is popularly known as the Spanish Archives, but the official title which it bore while Texas was a part of the Republic of Mexico was the Archives of Bexar. The term Bexar, when used in this connection, has reference to the Department of Bexar, which extended over nearly all of the present State of Texas.

The collection is a very large one; 300,000 pages would be a low estimate, and perhaps 400,000 would not far exceed the truth. About one-fourth of the documents are written on foolscap paper, and the remainder on paper half that size, all with a very wide margin. The penmanship in most cases is good and easily legible; often it is beautifully regular, and in certain letters and reports written between 1780 and 1800 it approaches the perfect clearness of engraving. The oldest document that has come under my notice bears the date 1734, though very probably there are others of earlier date. The latest papers are those which contain the correspondence of General Cos, and were written in the latter half of 1834 and extend to November, 1835.

The Spanish occupation of Texas is inseparably connected with the French occupation of Louisiana. The founding of the missions around Nacogdoches and San Antonio is but a chapter in the history of the conflict between France and Spain for the possession of the country west of the Red River. Spain's first attempt at occupation, which was occasioned by the landing of the French LaSalle on the shores of Matagorda

Bay, proved a complete failure, and in a few years Texas was again an uncivilized wilderness. Then Louisiana fell under the control of a commercial company that was more interested in opening a contraband trade with Mexico than in defending its sovereign's title to the vast wilderness to the west. Under the auspices of this company, another Frenchman, whom we know in Texas history as Saint-Denis, aroused Spanish jealousy by penetrating the forbidden country. But he told such tales of the willingness of the French to yield the disputed territory, and of their desire to open trade with Mexico, that the Spanish authorities resolved to seize the opportunity to take possession; and thus it was that under the guidance of Saint-Denis, and with the tacit consent of his superiors in Louisiana, the missions and forts around Nacogdoches and San Antonio came into existence during the years immediately following 1716. This was the beginning of the permanent occupation of Texas.

The French soon became hostile again, and from this time to 1763 the theme of greatest interest in Texas history is the attempt of the French to drive out the Spanish, and, on the other hand, the persevering endeavors of the Spanish to hold the country by civilizing and Christianizing the native tribes. Such was the political and humanitarian use made of the missions.

A frontier settlement which joined an unfriendly neighbor needed a government of its own, so in 1727 Texas was constituted a separate province. San Antonio was made its capital, and, but for one or two brief intervals, remained so until Texas became a republic. All the official business of the few settlements was managed by the governor of the province, who was also military commandant, and thus began the accumulation of papers which we now call the Archives of Bexar.

When Mexico gained its independence the province of Texas became the Department of Bexar, which still included nearly all the territory of the present State, and was at that time one of the administrative units of the State of Coahuila and Texas. The size of this department was not diminished until a very few years before our revolution, the district of Nacogdoches being set off in 1831 and that of Brazos in 1834. So we can say with a near approach to the truth that all the

business of government relative to Texas between the dates 1727 and 1835 was carried on from San Antonio, and is recorded in these papers.

The capital of Mexican Texas was never permanently removed from San Antonio, and as the capital of American Texas was never located there, the collection did not become a part of the archives of the republic, and so was allowed to pass into the possession of the county of Bexar.

It would be an endless task, even if one possessed the information, to enumerate the events and subjects mentioned in these papers. Here reposes the history of Texas to 1835—the complete story of the rise, rule, and fall of the Spanish power between the Sabine and the Rio Grande; the voluminous details of the ceaseless war against hostile tribes, with innumerable tales of thrilling incident and tragic horror; the Spanish account of the long struggle with the French; the record of the unselfish toiling of patient missionaries; the Spanish version of the quarrel between the United States and Spain; the wild story of the Mexican revolution, so intimately connected with Magee and Long; reports from the neutral ground of the gathering of turbulent crowds around Nacogdoches, and, finally, the coming of the Anglo-American, the building up of the settlements, and the Revolution. That these questions and many others are all treated is certain; how fully they are treated can be determined only by patient investigation.

Our historians have, as a rule, ignored this most important source of information. Probably not one-twentieth of these documents have been studied by the men who have written our books. As a result, much that now passes for Texas history must be thrown into the fire when the contents of this collection are fully understood, and many a page of absorbing story will be added to enrich a history already intensely interesting, and floods of light will be let in to clear up much that is now doubtful and obscure.

For the sake of greater clearness it may be well to call attention to a few of the documents of this collection. I do not mean to say, however, that those mentioned below are more important than hundreds of others that can not be included in the list. The document referred to above as bearing the date of 1734 contains 224 foolscap pages, and is a recital of the

events to that date in the controversy between France and Spain over the ownership of Texas. Another document dated 1754, bearing upon the same subject, contains in 41 pages an account of the proceedings in council in Mexico on the subject of the removal of the French fort of Natchitoches across the line which, according to Spanish claim, separated Louisiana from Mexico. There is a bundle of papers about Magee, most of which, however, appear at first glance to be accounts and business letters. Another package, if one can believe the indorsement on the first page, refers, at least incidentally, to the mysterious expedition headed by Aaron Burr. There are quite a number of census reports which record not only the number of inhabitants of the place reported but also give in detail the name, place of birth, occupation, property, live stock, etc., of every man and woman, with the name, sex, and age of the children and slaves of those who had families.

It is interesting to note in this connection that the population settled along the San Antonio River was not reported in a body, but as broken up into five different organizations, each of which had its own local officers; for example, in 1790, the presidio of San Antonio de Bexar and the villa of San Fernando, reported together, contained 1,151 souls; the mission of San José, 104; San Juan, 24; Espada, 46; Concepcion, 47; San Antonio de Valero, 48; making a total of 1,420. The remaining four settlements of the province swelled the number to 2,411, which was the total civilized population of Texas in that year.

The letters relative to the events of 1832 at Anahuac, Velasco, and Nacogdoches may and probably will necessitate the revision and even the rewriting of that portion of our history. Another package which must throw great light on the history of our Revolution, and no doubt add much new matter, contains 300 letters from General Cos, covering the latter half of 1834 and up to November, 1835, while that officer was commandant general of the Eastern Internal States. These letters ought to reveal very fully the views, motives, and plans of the Government of Mexico relative to revolutionary Texas. The story of the planting of the American colonies is told in detail in the reports to the Government from the empresarios and other officials, and in the copies of instruc-

tions, etc., issued by the authorities in San Antonio. There are scores of letters from Stephen F. Austin, and a great many from De Leon and De Witt. There are, besides, quantities of election returns, post-office and revenue accounts, private letters, ayuntamiento records, reports of innumerable Indian troubles, petitions, records of trials, and many other documents of great interest and value.

One more instance will serve to show how completely and even minutely the record of the past has been preserved in these papers. The episode referred to in Texas history as the Fredonian war can not be fully understood without a study of the documents deposited here. In the first place, there is quite a quantity of matter descriptive of the state of affairs on the frontier before Edwards secured his grant—letters, reports, petitions, and trials. Then, bearing directly on the subject, there are some 60 letters from Alcalde Norriss to the authorities in San Antonio; perhaps twice that number from Patricio de Torres, and many from Sepulveda, Gaines, P. Ellis Bean, Mariano Casio, Chaplin, Benjamin Edwards, and others. These give one a tolerably correct notion of affairs in and around Nacogdoches during these trying times. Then there are a great many letters from Austin on this subject, as well as petitions and resolutions of the settlers in various parts of his colony. These clearly indicate the attitude of that great leader and his sturdy frontiersmen toward the revolutionary movement. For the motives and plans of the government we turn to the blotters or letter books of the political chief who was the head of the civil government of Texas. Into these blotters were copied all the letters that were sent out from the chief's office in San Antonio. For the year 1826 alone his correspondence with alcaldes and other minor officials under him filled a volume of 176 foolscap pages, a great deal of it relative to the Fredonian trouble. For the same year the correspondence of the same official with the governor of the State of Coahuila and Texas filled 182 pages, a large part of which was concerning this matter. In these reports to the governor the political chief usually stated the substance of letters received by him from the minor officials and others at Nacogdoches, and in this way lost or missing reports may in some degree be supplied. In addition to these ample sources of information there are a large number of letters on this sub-

XVI.—THE ANTIMASONIC PARTY: A STUDY OF POLITICAL ANTI-MASONRY IN THE UNITED STATES, 1827-1840.

By CHARLES McCARTHY, Ph. D.,
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[The Justin Winsor prize of the American Historical Association was awarded to the author for this monograph.]

THE ANTIMASONIC PARTY.

By CHARLES MCCARTHY.

PREFACE.

The writer was first attracted to the subject of the Anti-masonic party through a study which he made of the Erie Canal in connection with a class conducted by Prof. F. J. Turner, of the University of Wisconsin. Since that time he has carried on the investigation wherever documents on the subject were to be found. These have been of such a miscellaneous character as to require some description.

Material.—As the party I am about to consider had no Congressional career, the printed debates, etc., give us no inkling of its principles and progress. The journals of the various State legislatures, too, furnish us with but the slightest information, as the legislative debates are not printed except in the newspapers. Although a few books and pamphlets have been written in which matter relating to the movement can be found, yet they have treated the question almost wholly from the social rather than the political aspect and therefore give the coloring and not the substance. Nevertheless, there are a few sources of this nature which are particularly useful, such as Weed's Autobiography, Seward's Autobiography, and Hammond's Political History of New York.

The newspapers, then, form the main contemporaneous sources of information. But as is true also in our own day this source must be used with the greatest caution. In dealing with such material, the political bias of every newspaper must be thoroughly examined. This I have tried to do, and I have also used where possible several newspapers of different political affiliations in order to verify statements.

As newspapers are ephemeral and difficult of access, I have often quoted at considerable length from them. In this way I have tried to illustrate the movement and show it in its true color. Considering the material, I believe this to be a more

truthful method than generalization because it gives the reader a chance to judge for himself as to the weight of a statement. Wherever possible I have used pamphlet material, almanacs, broadsides, and statements of old men who lived in the times described, in order to verify my coloring and to give the right setting. I have also visited personally nearly all the great centers of Antimasonic enthusiasm in order to examine the present-day feeling, the racial characteristics, and the economic and religious conditions of these sections.

Method.—I have tried to examine where possible into the economic, social, religious, and sectional basis of the movement. It is popular in making studies of these conditions to map the whole matter and reduce it to estimates, diagrams, and statistics. While the truth and accuracy of a great deal of this work is unquestioned, it is not entirely satisfactory as such a method does not admit of the elements of custom, prejudice and irrational impulse or enthusiasm. Such a method describes but poorly the excitement, the bitterness, the personal element, and the “hurrah” strength, which all go to make up any political movement. Such a method leads to dogmatic conclusions. It would be easy also to generalize and make my narrative clear cut, but it would not tell the whole truth. Movements like this do not start from one or two causes. The beginnings are often obscure and ill defined. The issues partake of a like nature. In fact, in order truthfully to follow the trend of such a movement we must diligently show the changes in principles from time to time and in different sections, and give a picture of the wavering, halting, confused nature of its growth. I have preferred this method for its truthfulness even at the risk of sometimes “not seeing the forest for the trees.”

I have divided my subject into five main parts, as follows:

1. The movement in New York.
2. The movement in Pennsylvania.
3. The movement in all other States briefly considered.
4. The movement in national politics.
5. A short analysis of the fundamentals of the movement.

My thanks are due to Prof. J. F. Jameson, of the University of Chicago, and Prof. F. J. Turner and Dr. U. B. Phillips, of the University of Wisconsin, for helpful suggestions.

MADISON, WIS., *August, 1902.*

INTRODUCTION.

The period in the history of the United States covering the years between the administrations of John Quincy Adams and William Henry Harrison has received much attention from American historians. It is a period full of interesting and striking events. The struggle over the charter of the United States Bank, the great money crisis, the personality and political methods of Andrew Jackson, the social and economic conditions of the time, invite attention and study.

In spite of the great light thrown by historical research upon the period, it is nevertheless true that certain phases of the movements of the time have received but scant attention; and this neglect has tended to impair the value of research upon correlated matter. We have had, for instance, a great deal of discussion upon the origin of the national convention, and yet the fact does not seem to have struck the investigators that the party which made that political discovery first prominent deserves to be studied. It is strange, at least, that such an interesting movement as the Antimasonic party—a movement with which some of the greatest political leaders in the history of our country have been connected—should have escaped the attention of scholars. True, the Morgan mystery has received its share of attention, and historians have put it down as the main cause of this peculiar political organization; in fact, it is the practice of even profound historians to call the Antimasonic party merely an outgrowth of the mysterious disappearance of William Morgan. Americans are prone to create a political party out of anything, but a moment's reflection should convince us that a party having for its leaders men like Thurlow Weed and Thaddeus Stevens must have had its basis in underlying causes and must have been founded on stronger reasons than those which present themselves at a casual glance. A review of the political situation at the beginning of the period we have been considering reveals to us soil well prepared for political strife.

It has often been said that the period previous to the election of 1824 was an "era of good feeling." A cursory

glance, however, shows the same divisions as existed previously still existing. Although all factions had been apparently swept into the Democratic ranks, signs were not lacking that the party was not so thoroughly united as would appear at first sight. The Federalists, although dead as a national party, still kept up a feeble organization in many States. The radical Democrats had never succeeded fully in getting a firm foothold in New England or among the more conservative classes in many other sections. There was still enough dread of Jacobinism in the North to keep many aristocrats from joining with the Jeffersonian party.

It was but natural also that in a party so completely victorious, factions should have arisen. The reason for this is not hard to see—the loaves and fishes could not be divided well among so many. Men were discontented because they received so little for their services. Sections were dissatisfied because they gained so little from their loyal support. In the distribution of improvements and in the benefits of the tariff, commercial, agricultural, and manufacturing districts could not all gain alike. The West and the South and the East had all different social ideals. The rich and the poor classes could not agree entirely. Religious and nonreligious elements were as far apart as formerly. All of these differences were intensified by the social upheavals of this remarkable democratic period. The result of the election of 1824 showed plainly that these divisions existed, and the election of Adams intensified and sharply defined them.

In the State of New York, especially, differences had long existed over the Erie Canal question; and war between the supporters of the canal, championed by De Witt Clinton, and their opponents, the Bucktails, whose leader was Van Buren, had been carried on fiercely till 1826 when Clinton joined hands with his enemies and left the canal supporters without a leader and practically unorganized. Such was the political condition of New York when the western part was startled by the disappearance of William Morgan. It will be readily seen that this incident happened at just the right time and place to stir up the excitement which, ably led and skillfully directed, soon developed into a starry young political party.

CHAPTER I.—THE MORGAN INCIDENT AND THE BIRTH OF THE MOVEMENT.

The mysterious abduction of William Morgan and the excitement which followed it has formed one of the most singular and interesting pages in American history. Contemporary literature and modern research for the curious and unusual has led to an immense amount of speculation as well as to heated argument and pamphlet controversy between the Masons and their opponents as to the cause and manner of Morgan's disappearance. But to the student of political Antimasonry who strives to relate the political effects of the incident, and not to delve into the question itself, the Morgan episode is merely incidental. With this fact in mind, and feeling assured that this phase of the matter has been sufficiently discussed, the investigator may give the Morgan incident but the passing notice it deserves as the immediate occasion of the political movement which is the subject of this paper.

William Morgan was an itinerant character who had eventually settled in Batavia, N. Y. He had been a Freemason, but having become dissatisfied with the order, he resolved to expose its secrets. When this became known, he and his associates in business were subjected to a series of petty annoyances which culminated finally in his abduction in September, 1826. The remarkable trial of his alleged abductors elicited the greatest interest, not only throughout New York but throughout the Union.

The startling reports which were circulated, together with the attitude of the Masons, soon worked the community into a high pitch of excitement. Rumors that jury and judges were under Masonic influence, and that the legislature too would do nothing of practical use toward bringing the offenders to justice, quickly brought about the belief in that locality that Masonry was incompatible with citizenship or Christian character and must be abolished. The newspaper controver-

sies, the heated arguments, the stubbornness and aggressiveness of the Masons, the church condemnations of Masonry, the incipient riots, the charges and counter charges, together with the political conditions of the times, led, in 1827, to the first steps in the organization of the remarkable political party that we are about to describe.^a In February, 1827, meetings were held at Batavia, Bethany, and Stafford, and about the same time at Wheatland, in Monroe County, and it was resolved to withhold support from "all such members of the Masonic fraternity as countenanced the outrages against Morgan."^b Soon afterwards other meetings were held at which resolutions were passed withholding support from all Freemasons. Efforts were made, with partial success, to keep the matter out of politics at the approaching town meetings; nevertheless the political organization spread rapidly in the general vicinity of Rochester. This city became the point from which, for some time to come, all Antimasonic movements, "whether of a judicial or legislative character, emanated."^c

The matter was now brought before the legislature. Francis Granger, already one of the leaders in the cause, brought forward a resolution petitioning the legislature to interpose its authority, as the courts of a single county were found inadequate for the emergency.^d The debates that followed show the degree of animosity which had been aroused, and also show clearly that Antimasonry was not only regarded by its opponents as a fanatical crusade, but that it was already suspected of having deep political significance—an excitement aroused and controlled for political purposes by shrewd and able leaders. On April 10, Mr. Root, the speaker,^e referred to the excitement as something of merely political origin, special investigation being unnecessary. He said in the course of the debate:

We read frequently of murders being perpetrated. Are committees of the legislature upon all occasions to be sent in search of the murderers? No,

^a For fuller accounts see Weed's *Autobiography*, I, especially; also Seward, *Autobiography*, I; and Bancroft's *Life of Seward*, I; McMaster, *History of the People of the United States*, V.

^b Weed, *Autobiography*, I, 242.

^c Weed, *Autobiography*, I, 300. Hammond, *Political History of New York*, II, 378.

^d *Albany Argus* (Democratic), April 5, 1827. See also Weed, *Autobiography*, I, 254.

^e Root was regarded as one of the most bitter opponents of the Antimasonic principles. See Adams, *Diary*, VIII, 441.

sir; but for the excitement, such a measure would not be thought of. Men are seeking to convert this subject into a political affair, and for the purpose of excluding Masons from public offices. Masons are represented as setting your courts and your laws at defiance, * * * the object is to keep Masons out of office, and those who raise the breeze, to occupy the places of honor and profit, * * * to keep up the excitement, a memorial has been drawn up and presented to the legislature, and the projector of it, I venture to say, is an emigrant from the neighborhood of Boston.^a

The resolution was defeated by a vote of nearly 3 to 1. Such an attitude could not but help the very cause which it tried to defeat, and the Jacksonian party, then in the majority, was thought by this action to have shown its complicity with the Masons. From the petty politics of the towns to the higher politics of the State government the Antimasonic proscriptions spread; and meetings were held everywhere, in which resolutions were passed advocating the support of purely Antimasonic candidates for the State legislature.^b

The Adams party, already weak, now showed signs of dropping out of the coming election in the so-called "infected districts," and the central corresponding committee of Genesee decided to abstain from all participation in the preparatory measures for the approaching election.^c This, and like actions, tended to drive the bitter and relentless nonmasonic opponents of Jackson into the only strong and vigorous party opposed to him, while the anti-Jackson Masons chose rather to support him than to go over to the hated opponents of Masonry.^d The amalgamation was helped along by the fact that Clinton and Jackson were both high Masons. Their recent political union was looked upon as another evidence of Masonic influence, and this fact stimulated the spirit of opposition to both.^e

Antimasonic nominating conventions were held all over western New York in October and September,^f and so suc-

^a Albany Argus, April 12, 1827.

^b Albany Argus, July 4, 1827.

^c Batavia Spirit of the Times, quoted in Albany Argus, July 28, 1827.

^d Weed, Autobiography, I, 301. The Antimasonic Jackson party, however, had a slight organization in the Twenty-ninth Congressional district this year. See Le Roy Gazette, Oct. 18, 1827.

^e Hammond, Political History of New York, II, pp. 380, 383. The account in Hammond is by Fred Whittlesey, one of the most active Antimasons. A great many of the Antimasonic leaders had been supporters of the Adams Administration. The "Morgan committee," consisting of Works, Ely, Bachus, Whittlesey, and Weed, were, with the exception of Whittlesey, supporters of the Administration. See Weed, Autobiography, I, 301.

^f Albany Argus, October 10, 11, 1827.

cessful were the candidates nominated that "the results of the election," says Whittlesey, "astonished all—even the Antimasons themselves—and opened the eyes of politicians to the growing power of the new party."^a The Jackson papers admitted that the Antimasons had succeeded in electing 15 members of the assembly.^b The Adams vote was comparatively light, and but 12 assemblymen of that party were elected.^c The Antimasons, however, did not elect a single senator even in the Eighth senatorial district—the hotbed of their cause. By a singular act of inconsistency and haste they had nominated a candidate in this district, but found after the nomination, when the campaign was in progress, that he was a Mason. The vote, however, was changed to the nominee of the "Bucktail" party in time to elect him by a large majority. In this manner they achieved a partial although unsatisfactory victory.^d

The results of the election encouraged the leaders to look forward hopefully to the year of the general election and the Presidential campaign.

^a Hammond, *Political History of New York*, II, 382.

^b Chautauqua 2, Monroe 3, Otsego 2, Orleans 1, Seneca 2, Wayne 2, Yates 1. *Albany Argus*, November 23, 1827.

^c *Albany Argus*, November 23, 1827. Hammond, *Political History of New York*, II, 283.

^d Hammond, *Political History of New York*, II, 384. This was characteristic of the Antimasonic party even in its later phase, and was often caused by the evident desire of the leaders to gain strength by sacrifice of principle or from the fact that in the outlying districts men of influence were nominated who were not avowed opponents of Masonry.

CHAPTER II.—THE PRESIDENTIAL CAMPAIGN OF 1828 IN NEW YORK.

When the year of the presidential contest opened it was found that the Antimasonic party had increased in strength, for many Masons had seceded from the order and had avowed their belief that Masonry was an evil. These renunciations, together with the acquittal of some of the accused and the refusal of the legislature to change the mode of selecting the grand juries, tended to confirm the idea that the Masonic institution was "dangerous in a free government, subversive of political equality, and hostile to the impartial administration of justice."^a

In February of this year a convention of seceding Masons met at Le Roy, Genesee County. It denounced Masonry, upheld Morgan's *Illustrations of Masonry*, and sent a memorial to Congress upon the use made of Fort Niagara by the Masons as a prison for Morgan.^b The publication of the proceedings of the convention in the papers throughout the country served as a most powerful stimulus to the new cause and made many converts. This meeting was followed by a convention at Le Roy on March 6, 1828. Twelve counties were represented, viz, Chautauqua, Orleans, Ontario, Erie, Monroe, Yates, Niagara, Livingstone, Seneca, Genesee, Wayne, and Tompkins. This convention urged the suppression of Masonry through the ballot box, and recommended the calling of a State convention at Utica in August following; it advocated the establishment of "free presses" and other means of spreading the "blessed spirit." At this convention Samuel Works, Henry Ely, Frederick F. Backus, Frederick Whittlesey, and Thurlow Weed were appointed

^a Hammond, *Political History of New York*, II, 385.

^b Weed, *Autobiography* I, 256. See also McMaster, *History of the People of the United States*, V, 118.

a general central committee. These men, together with Timothy ^aFitch and Bates Cook, remained upon the committee through the most important years of the Antimasonic party.

The rapid growth of the excitement, and the vigorous means adopted, alarmed the Jackson party, and on March 18 Lieutenant-Governor Pitcher urged the legislature to appoint a special commission to investigate the death of Morgan. On April 15 a bill for this purpose became a law, and Daniel Mosely of Onondaga was appointed commissioner. The motive of the sudden change in policy of the Democratic party is apparent. They had recognized the necessity of conciliating these Antimasonic elements before the approaching State and national elections, and their policy was altered accordingly. ^b

Both parties now vied with each other in their efforts to win over the Antimasons, and the Adams party rested their only hope of carrying the State upon an alliance with them. The Adams men had an advantage in their candidate, for it was known that Jackson was a Mason while Adams was not. Furthermore, custom and precedence strengthened this tendency, for the district which was now the stronghold of Antimasonry had formerly been opposed to the Democrats. The basis of this opposition was economic, and, fortunately for the Antimasons, there was enough of the opposition spirit still left to rally a strong force to any banner, whatever its emblem, that would lead against the hated opponents of the canal. Adams combined in himself the elements necessary for such a union of forces.

The Jackson party, as soon as the sentiment in favor of Adams became apparent, sought to hold the "coalition" up to public opprobrium. They loudly proclaimed that "the friends of the Administration in the western part of the State have been unwearied in their exertions to connect the public feeling with the Presidential question; and that they have spared no pains to contribute to the public agitation with that in view. This purpose has been steadily pursued by several of

^aProceedings of Le Roy convention, Albany Argus, May 17, 1828.

^bWeed, Autobiography, I, 258.

^cHammond, Political History of New York, II, 386.

the Administration members of Congress from that section of the State, and by their agents and tools in these counties."^a

This effort was furthered by the attitude of the Masonic Adams men, as may be seen from the following extract from the Albany Daily Advertiser, the principal Adams paper of the time, referring to the Antimasons:

Their persecuting and unhallowed principle has extended itself to the Presidential contest, and the most disgraceful measures are now taken to make the Masonic question bear on that important election. It is said that one of the candidates for that office is a Mason, and therefore he must be opposed; that his opponent is not one, and therefore he must be supported. To this course, we enter our strong and solemn protest. We know not whether Mr. Adams be a Mason, and we care not. We are in favor of his re-election, but we must despise ourselves did we desire to gain a single vote through the Antimasonic excitement, and we look with contempt, and almost horror, on those who endeavor to further his election by such means.^b

It was the great aim of men like Weed to quiet such grumbling within the anti-Jackson ranks and to present a broad, united front to the enemy. Consistent Antimasonry was forgotten by these ambitious leaders and carried out only by the lesser but more fanatical politicians, such as John Crary and Solomon Southwick, who henceforth with their followers can be called the only true, consistent, and uncompromising Antimasons.

The papers of the day accused Weed of intriguing with Washington, and of receiving money to start various Antimasonic newspapers "in order to use the Morgan excitement for the benefit of the Administration party." Whatever may have been^c the truth of it all, Weed became Adams's political manager in western New York.^d From this time he was looked upon by his opponents as the leader of a conspiracy.^e He brought to his views some of the brightest men of the Adams party in the State, as well as some of the most able politicians the country has ever seen. These men saw that the Adams, or National Republican party, had outlived its usefulness and could not hope to compete upon anything like

^a Albany Argus, April 5, 1828.

^b Albany Advertiser, April 5, 1828. See also for similar opinions, Albany Argus, June 4, extracts from Buffalo Journal. (Adams.)

^c Geneva Palladium in Albany Argus, May 7, 1828.

^d Weed Autobiography, I, pp. 303, 307. Weed was at this time editor of the Antimasonic Enquirer at Rochester.

^e Albany Argus, April 9, 17, and July 14, 1828.

equal terms with the vigorous spirit of Jackson Democracy. In the words of one of these men, "The Administration party in this State is in the hands of men not able to steer it to a successful issue. * * * Were it not for the Antimasons, they would not have a loop to hang a hope on."^a

These men fought and worked first and foremost for Adams and against Jackson, and they held Antimasonry as merely an excitement that might be turned to their advantage. They made the mistake, however, of being overconfident of their power to lead the excited populace blindfold whither they wished. They encountered many strong, zealous, and often fanatical men who would not be led in this manner; and they never completely quelled their discontent. Antimasonry in consequence at no time presented a solid front to the enemy.

Signs of discontent with the leadership of men of the Weed stamp had already begun to appear. The Le Roy convention of July 4, 1828, passed the following resolution:

Resolved, That whatever may be our predilections for the prominent candidates now before the public for the Presidency, and whatever part we as individuals may see fit to take in the national politics, we consider the same as entirely disconnected with Antimasonry, and of vastly paramount importance; that the convention would view with undissembled feelings of regret, any attempt to render the honest indignation now existing against the [Masonic] institution subservient to the views of any of the political parties of the day; that we do most unhesitatingly disclaim all intentions of promoting political principles.^b

Contrary to general expectations, however, the convention made no nomination for governor. This was looked upon as another of Weed's schemes, and it was asserted that he influenced the convention to give the Adams party a chance to nominate a suitable candidate to be indorsed by a later Antimasonic convention.^c

Weed made strenuous efforts to unite the parties, and traveled rapidly from place to place reconciling differences and seeking in every way to combine the elements of opposition. He was accused, indeed, by his opponents of bargaining even with Masons.^d In the light of subsequent events such a charge does not appear to have been without foundation. Weed's

^a A. H. Tracy to Weed, June 19, 1828. See Weed Autobiography, II, p. 321.

^b Albany Argus, July 14, 1828.

^c Ibid.

^d Albany Argus, July 14, Aug. 4, 1828.

plans were realized in part. The Adams convention which was held at Utica on July 23 nominated Judge Smith Thompson for governor, and Francis Granger, the legislative champion of Antimasonry, for lieutenant-governor.^a But that arrangement did not satisfy the more bitter Antimasons, for Thompson, though not a Mason, was not a radical Antimason. To the enthusiastic opponents of Masonry the outcome of the convention seemed merely a trick to forestall their nominations and deprive them of a candidate of their own.^b They therefore resolved to hold a convention and to present a ticket, and in spite of the utmost efforts of Weed this convention, which met August 4, resolved "to disregard the two great political parties, that at this time distract this State and the Union, in the choice of candidates for office; and to nominate Antimasonic candidates for governor and lieutenant-governor."^c Mr. Granger, having not yet accepted the previous nomination, was nominated as candidate for governor and John Crary, of Washington County, for lieutenant-governor.^d

Mr. Granger was thus placed in a very difficult position. Both sides awaited his decision with anxiety. It was not until August 28 that, to the great indignation of the Antimasons, he declined their nomination. He had spent the time meanwhile negotiating with Crary. Crary signified his intention of declining, but intimated that Mr. Granger, as the nominee for governor, should publish his declination first. This he did, but "Honest John Crary" did not carry out his part of the agreement.^e

The radical Antimasons, not entirely disheartened, determined to have a candidate, and accordingly held another con-

^a Albany Argus, Aug. 4, 1828. Weed, Autobiography, I, pp. 302, 303. Weed says that the "delegates from the rural districts generally were for Mr. Granger" as governor. The reason he assigns for the nomination of Thompson was that the nomination of Granger, "avowedly to secure the Antimasonic vote, would offend so many National Republicans as to jeopardize not only the State, but the electoral ticket." Autobiography, I, pp. 302, 303, 304.

^b Hammond, Political History of New York, II, p. 387. Albany Argus, Aug. 13, 20, 1828.

^c Albany Argus, Aug. 13, 20, 1828. See also Hammond, Political History of New York, II, p. 387.

^d Hammond, Political History of New York, II, 388. Albany Argus, August 11, 1828.

It was charged by the Jackson papers that Weed, who attended the deliberations, aided by John H. King, chairman of the Adams central committee, busily intrigued to prevent this nomination; but that a "large proportion of the convention saw the destruction of Antimasonry in the attempts of desperate political adventurers to connect it with the Presidential question. * * * They accordingly disappointed Messrs. Weed and King, and nominated their own candidates."

^e Hammond, Political History of New York, II, pp. 285, 286, 287.

vention at Le Roy on September 7.^a There they nominated a typical exponent of extreme Antimasonry, and at the same time a most picturesque figure in the history of New York politics—Solomon Southwick—author of Solomon Southwick's Solemn Warning, the editor of the National Observer, a renouncing Mason, a broken-down politician, who had been a candidate several times before, and incidentally had been accused of much corruption, and who was now an enthusiastic lecturer upon Antimasonry and upon the Bible.^b

Election for Governor of New York, 1828.

Weed, seeing his plans completely frustrated by this last nomination, denounced it and withdrew his support.^c He in turn was himself denounced by the Antimasons as a traitor. At a meeting of the Antimasons in Rochester, it was resolved "that the Antimasonic party in this county, has reason to fear that they have been betrayed by the men in whom they

^a Albany Argus, September 15, 1828. Hammond, Political History of New York, II, 389.

^b Weed gives an interesting description of him in his Autobiography, I, pp. 43, 86. He represents him as full of quaint superstitions, often determining his actions by the toss of a coin. He was spoken of as a possible candidate as early as March, 1828, by the Antimasons. (Albany Argus, March 14, 1828.) He was henceforth with Cray, to stand at the head of the uncompromising Antimasons, bitterly opposed to Weed and his machinations.

^c Albany Argus, September 30, 1828.

have most trusted, and that the recent course pursued by Thurlow Weed, in giving support to the Administration in preference to genuine Antimasonry, calls loudly upon genuine Antimasons to come out and act independent of leaders."^a Followers of Weed retorted "that the character of Mr. Southwick was such as to discredit any party at whose head he might be placed."^b In view of this division, success for the State ticket was impossible.

In national affairs, however, the Antimasons were drawn to Adams through the influence of a letter in reply to an inquiry addressed to him on March 31, from Canandaigua, by one Oliver Heartwell, upon the subject of masonry. He replied, "I state that I am not, never was, and never shall be a Freemason." In spite of his request the letter was made public, and immediately became a subject for heated political discussion. The Jackson papers produced affidavits to show that a political bargain was made wherein the Antimasons promised support because of this assurance. Numerous sworn statements were produced on both sides of the question as to the exact wording of the letter. The whole matter resolved itself into a question of veracity between the Antimason, Heartwell, on one side, and one Cutler, who claimed to have a copy of the letter.^c The letter undoubtedly tended to unite the Antimasons of New York in support of Adams.^d

Meanwhile the excitement had increased as the election approached. Weed says:

The feelings of the Masons, exasperated by the existence of a political organization which made war upon the institution of Freemasonry, became intensely so by the renunciation of Masonry by ministers, elders, and deacons of the Presbyterian,^e Methodist, and Baptist churches. The conflict therefore became more embittered and relentless, personally, politically, socially, and ecclesiastically, than any other I have ever participated in, and more so, probably, than any ever known in our country. Thousands of Masons, innocent of any wrong and intending to remain neutral, were drawn into the conflict, when all were denounced who adhered to the institution. On the other hand, the Antimasons maintained that the abduction and murder of Morgan resulted legitimately from the obligations and teachings of the order.^f

^a Albany Argus, October 11, 1828.

^b Whittlesey's account in Hammond, Political History of New York, II, 390.

^c Albany Argus, August 6, 20, 1828. Adams was not at this time so radical an opponent of masonry as he soon became.

^d Weed, Autobiography, I, 302.

^e The term Presbyterian was often used to include Congregationalists at this time.

^f Weed, Autobiography, I, pp. 302, 303.

In the election the west gave a heavy vote for Adams; the counties of Orleans, Genesee, Niagara, Monroe, Livingstone, Ontario, Wayne, Erie, Chautauqua, including the "infected district," threw their votes for him.^a Eighteen electors were chosen by the people of the State favorable to Jackson and sixteen in favor of Adams. This made a total of twenty for Jackson, when there were added the two electors chosen by an electoral college acting for the State at large.^b Van Buren received 136,783 votes for governor; Thompson, 106,415; Southwick, 33,335.^c

In the senate the Antimasons were to have William H. Maynard, from the Fifth district, one of the most brilliant men the party ever produced—a man of remarkable talents, whose bright promise came to an untimely end in the great cholera scourge of 1832. Hiram F. Mather was elected from the Seventh and George H. Boughton and Moses Hayden from the Eighth district. These men, together with seventeen assemblymen, were to constitute the first real legislative party of the Antimasons.^d

The election of 1828 gave new life to the party. The end of that year showed Antimasonry advanced to the dignity of a recognized political unit, but an organization as yet without well-ordered machinery. The great leaders like Weed, who were to hold the reins in the future, were unsuccessful in wholly affiliating the movement with the Adams interests in the State, especially in the gubernatorial issue. The great difficulties of the future had all presented themselves. They arose from the fact that it was impossible to get perfect harmony between the extremists, who wished for nothing but the extinction of Masonry, and the machine politicians, who would manage this excitement to the interest of the old Adams party. Then, too, the Masonic Adams men, with their organ, the Daily Advertiser, formed an element which could not be mustered with complete success under the banner of Antimasonry, and in the eastern and southeastern counties these men held stolidly aloof from any combination with the Antimasons. Had all the supporters of Adams united on one

^a Albany Argus, November 18, 24, 27, 1828.

^b Hammond, Political History of New York, II, 289.

^c Hammond, Political History of New York, II, 290. Weed, Autobiography, I, 307. See also newspapers mentioned.

^d Albany Argus, November 18, 1828; Hammond, Political History of New York, II, 290.

gubernatorial ticket, had not the Antimasons voted for Southwick and Crary, it is very probable that Van Buren and Throop would have been defeated."

A considerable degree of success was achieved, however, in uniting these jarring elements to the support of Adams,^b although it is probable that the existence of the Antimasonic issue alienated from him a number of voters who would have been his supporters had not the cause been locally identified with the attack on Masonry.

^a Hammond, II, 289. Whittlesey, who was a Jackson man, does not hold this opinion. He tries to make out that Antimasonry sprang from both parties. It was to the interests of the Antimasons to show that the party had no political basis in any old party movement, but sprang spontaneously from both. There is a grain of truth in this, but anybody who examines the roll of leaders of the party, the fundamental causes, the locality, the attitude of the Jackson party, the future career of Antimasonry, can not but come to the conclusion that it had its basis politically in the old opponents of Jackson and of the Bucktails. See Whittlesey's account in Hammond's Political History of New York, II, 391. ✓

^b Albany Argus, November 27, 1828; Hammond, Political History of New York, II, 391.

CHAPTER III.—REORGANIZATION AND GROWTH IN 1829.

The unexpected strength shown by the Antimasons under the most unfavorable circumstances in the election of 1828 encouraged them and discouraged their enemies. Thereafter the Adams party in New York was practically superseded by the new and vigorous organization, made up of the broken fragments of all parties. It was replaced, in fact, by an anti-Jackson party of discontent. Even the radical Antimasons to a large extent deserted their quixotic leader and joined the new movement. However, Southwick and Crary were not entirely mollified, but continued to prove a thorn in the side of Weed and his associates. Again and again Weed's plans were frustrated and his designs exposed to obloquy by these doughty warriors who saw but one issue, and that the true opposition to the Masonic institution.

The Democrats for a time did not cease to court the spirit which could be so dangerous in opposition. Governor Van Buren, astute politician, referred to the excitement in his January message to the legislature, as Whittlesey says, "In terms of moderate commendation, and deprecated the perversion of the feeling to selfish and sinister purposes. It was evidently intended to convey the idea that the excitement created by a great and local cause was worthy of the people among whom it found existence; but its direction to political objects was unworthy of their good sense and intelligence." "The efforts of Van Buren and the Democrats had little effect in diverting the movement, which had already become an anti-Jackson crusade.

The Antimasonic convention which met on February 19, 1829, marks a new starting point in the history of the party in New York. In the words of Bancroft: "Henceforth, until

^a Hammond, Political History of New York, II, 392.

the Antimasonic decline set in, they carried on the most effective system of political propagandism that the State had ever known."^a It was all the more effective because the political nature of it was concealed by an outward show of Antimasonry with all its verbiage and proscriptive declarations. Their peculiar methods were exhibited plainly by the proceedings of the convention. In the first place, the jarring elements of the party were brought together. The seemingly repentant Weed was forgiven and once more was admitted as a delegate. Although Solomon Southwick opened the convention with a long address, yet it was such men as Weed, Whittlesey, Granger, Seward, Myron Holley, Maynard, A. Tracy, and Henry Dana Ward who were the most active men in the assembly.

Resolutions passed the assembly to draft an address on the subject of the late Masonic outrages and on the principles of Masonry; on the nature and effect of Masonry on our civil and religious institutions; in relation to the truth of Morgan's illustrations; and of the exposure of the Le Roy convention; to enquire if any laws exist in this State relative to Masonic institutions, and if any application shall be deemed necessary for their repeal; to enquire if it be expedient to have a United States convention of Antimasons; to inquire if the wife of Morgan has the means of support for herself and children, and whether it is necessary to provide for her relief; to appoint a committee to inquire into the propriety of erecting a monument to Morgan, etc.

All of these resolutions passed. On Friday, February 20, it was resolved to hold a national convention at Philadelphia, September 11, 1830.^b This last action aroused a furor of criticism from the Democrats. The Argus remarked: "That meeting is just preceding the next election for governor of the State. Nobody, we presume, suspects Mr. Granger of any intention to connect the two subjects."^c In the light of these events, and considering the character of the men then in power, it is very doubtful if Mr. Whittlesey was justified in saying that the proceedings of the convention "were similar to those of former conventions and directed exclusively against Freemasonry."^d

The Democrats described the objects of the meeting as

^a Life of Seward, I, 29.

^b See Albany Argus, February 21, 23, 1829; Albany Advertiser, February 21, 1829.

^c Albany Argus, February 23, 1829.

^d Hammond, Political History of New York, II, 392.

“fully disclosed in the lives and conduct of the leading delegates and in the tenor of their proceedings.” The Argus said:

Indeed it is no longer attempted to be disguised, that the design of those who now have the charge of this combination is political, and that they look directly to the elevation of the political leaders in the game, and to the consequent overthrow of the Republican party. This is the whole design. The yearning for office and power and a resolution to strive to obtain it, by whatever means, was manifest in nearly all the movements from the opening maledictions of the great leader, Solomon Southwick, to the plausible sophistry of the newest convert, Myron Holley; and from the perpetual caucusings and private whisperings of the profligate Weed, to the exclusive and proscribing moderation of Samuel Miles Hopkins. * * * The same men, ever since they abandoned the name Federalist, have resorted to every trick and device, and have bestrid every hobby that promised the slightest aid in the accomplishment of their designs against Republicans. It is the same broken-down, foiled, and defeated politicians—the same traders under every flag—that have paid Antimasonry the compliment to assume its keeping, and to render it subservient to their political schemes. We have said that this is the old Federal party, and the disaffected of all parties in a new dress. In relation to the former party, there are honorable exceptions. There are many, we well know, who have not only refused the sanction of their names to this deception, but who, notwithstanding they have been approached with the assertion that it is best to encourage the scheme, “for it is the only way to defeat the Jackson party,” have spoken with scorn and indignation of the unprincipled attempt.^a

It was said by the Democrats that “not a single individual who supported the Republican [Jackson] ticket at the late election was a delegate to the convention.”^b Articles from the local papers, such as the Oneida Observer, were cited to similar effect, giving long lists of former Adams men, called “Federalists,” who had joined the Antimasons.^c The Antimasons in the legislature were meanwhile found upon the National Republican side in nearly every issue.^d

Trials and investigations had been going on all this time, and a growing party in the legislature, composed of Antimasons, was constantly clamoring for “more light.” The Democrats had learned by former experience the danger of resisting such demands, and, accordingly, select committees composed exclu-

^a Albany Argus, February 26, 1829. This is probably the work of Croswell, editor of the Argus, a member of the Regency, and one of the opponents of Weed. He was a brilliant political writer.

^b Albany Argus, March 5, 1829.

^c Albany Argus, February 26, March 5, 1829.

^d Hammond, Political History of New York, II, 392.

sively of Antimasons were appointed in the senate and house to recommend measures for the investigation of the Morgan affair. In the senate this committee brought in a report asking further direction from that house. The committee of the whole resolved to send back the report with directions to bring in such a bill as they thought expedient and proper "to remedy the evils complained of, if any legislation is deemed necessary."^a

In the house the Antimasons seemed to be equally lax and inefficient, now that they had partially obtained what they wanted. The only thing of importance which this committee did was to approve of continuing the law appointing a special commissioner.^b That such men did not take advantage of these concessions argues that they were probably hindered in some indirect way, as was often charged by the Antimasons. Incidents like the above seemed only to make the whole body of the party more and more bitter toward the Democrats. These concessions and Van Buren's message, however, show that attempts were still made to stem the growing influence and unity of opposition in New York.

The city of Rochester was during this time the point where the bitterest strife was waged. The spring elections left the town about equally divided between the friends of the two parties.^c In Rochester Weed published his Anti-Masonic Enquirer; and in Rochester the radical Masons determined to make a bold stand. The great majority of the Masons of that section of the State had condemned the Morgan affair and had given willing aid, as good citizens, toward the conviction of the participators therein. The enthusiasts, however, kept up a bitter warfare against Antimasonry, and finally made the great mistake of openly establishing a newspaper to uphold their cause. The paper was called the Craftsman and was printed at Rochester. Although its tone was Democratic, the Democrats recognized that it was a powerful help to Antimasonry and repudiated it. They looked upon it as a movement, "the tendency of which," they said, "can scarcely fail to revive the scenes of the past year, to at least continue, much beyond the natural duration, the embitter-

^a Albany Argus, March 2, 1829.

^b Ibid.

^c Albany Argus, May 12, 1829.

tered and excited feelings of the times, and to put weapons in the hands of those, who, under the mask of Antimasonry, have sought their own political and personal elevation." "With this paper and its contributors," says the Argus, "we presume the mass of the Masonic fraternity do not act; but whether they do so or not, the Democracy of the State, so far as we have been able to ascertain their wishes, decline its associations and disapprove of its course."^a

Governor Throop, too, realized the danger to the Democrats of these new efforts of the Masons to strike back at the Antimasons. In his inaugural address upon taking the executive chair vacated by Van Buren he reviewed the situation. He asserted that he was no Mason, and said:

And yet I find it difficult to believe that a society, which has been existing several centuries; which has enrolled among its members persons of all ranks and conditions, and many distinguished for their piety and purity of life, and devotion to their country, is founded on principles which tend to subvert all government, or exact obligations from its members incompatible with their duty to their fellow citizens, their country, and their God. I have not found that the members of the Masonic fraternity, anywhere, contend that there is in the present condition of the world, whatever may have heretofore been the case, any great object to be effected, or particular good to be obtained, by upholding the institution. If that be so, I can not but believe that all well meaning members will soon see the propriety of dissolving an association, which can only remain as a source of useless irritation among its members, and between them and the rest of their fellow citizens. But in making these avowals, I owe it to my own feelings, and to the occasion, to say, that any attempt to make the subject subservient to political or party purposes, which labors to introduce into the community a proscriptive crusade against any class of our citizens, and which threatens to expose this highly favored land to those scenes of fanaticism and bloody persecution which have in succession overturned and devastated the fairest portions of the globe, shall meet in me a mild and temperate but a stern and inflexible opponent.^b

Such an address, representing as it fairly did the sentiments of the nonmasonic Democratic politicians of the day, could in no wise satisfy the radical Masons or the Antimasons, and consequently it added no strength to the Democratic cause.

The election of 1829 was on the whole favorable to the Jackson party. Nevertheless, the strong Antimasonic Eighth senatorial district elected Albert H. Tracy, a man who was

^a Albany Argus, September 2, 1829.

^b Inaugural address, Albany Argus, September 4, 1829.

probably unsurpassed by any of the party in his capacity for political intrigue;^a for the first time Antimasonry crossed "Cayuga Bridge" and elected two out of the four candidates for the assembly in Seward's county;^b and there was also a slight gain in some of the old Adams counties, such as Washington and Oneida.^c The united opposition had learned a lesson by the split of the previous year, and this year they were careful not to encroach on each other's territory. The Antimasons seemed to have concentrated their strength in their former strongholds, and to have left by default a clear field for the National Republicans in the other counties.^d

■ The year 1829 was, in the main, a period of quiet preparation and organization. The plan for a national convention showed that the bold and ambitious leaders were gradually getting hold of the party and preparing it for its higher national career. True Antimasonry had become subverted to anti-Jacksonism. The beginnings of the Whig party in New York, and we may say in the nation, had appeared.

^a Weed acknowledges him to be the leader in this respect. Weed, *Autobiography*, 1, 421.

^b Bancroft's *Life of Seward*, I, 29. Seward had not as yet distinguished himself in the cause to any great extent.

^c Albany Argus, November 16, 20, 26, 27, 1829.

^d Seward *Autobiography*, I, 75. In the "infected district" alone, the Democrat allowed 22 men to the Antimasons, viz: Chautauqua, 2; Erie, 2; Genesee, 3; Livingston, 2; Monroe, 3; Niagara, 1; Ontario, 3; Orleans, 1; Seneca, 2; Wayne, 2; Yates, 1. "It appears that in 20 counties the opponents of the National Republican party nominated 50 members for Assembly as Adams men, and that in 28 other counties the opposition 63 candidates, denominating them Antimasons—making a total of 113 candidates out of 128 members."—Albany Argus, November 26, 1829.

CHAPTER IV.—THE HIGH TIDE OF POLITICAL ANTIMASONRY IN NEW YORK.

The election of 1829 proved that the National Republicans had united with the Antimasons to a larger extent than theretofore. It was asserted by the Democrats that not one Democratic member had been returned from any of the districts in which Antimasons controlled the vote.^a In view of these results the Democrats despaired of uniting with the Antimasons and no longer hesitated to denounce the leaders and the "coalitions." In fact they openly opposed the Morgan investigation itself—a thing which they had seldom previously done. The leaders of the party, like Governor Throop, stated that Antimasonry was "overflowing its proper boundaries," was "misdirected in its efforts," and was "carrying into public affairs matters properly belonging to social discipline."^b The Antimasons in the legislature, led in the senate by Albert H. Tracy and in the assembly by Granger, Weed, and Philo C. Fuller, joined the opposition to the administration on all the leading questions of the day. The two great questions in New York politics were the Chenango Canal and the safety fund system in banking. The Democrats had constantly defeated the attempts to build a canal which should connect the interior lakes, and would consequently connect the Erie Canal with the Pennsylvania system through the Susquehanna River. It is not strange, then, that the Antimasonic party, containing as it did so many Clintonians, should champion the cause; nor is it strange that it should, by promoting this movement, strive to curry favor with the South central section of the State, and thus destroy its support of the Demo-

^a Address of the Jackson electors, *Freeman's Journal*, Cooperstown, N. Y., September 20, 1830.

^b Hammond, *Political History of New York*, II, 393.

crats. Accordingly we find them vigorously supporting this scheme.^a

The active, shrewd leaders who now controlled the destinies of Antimasonry never lost an opportunity to pierce a joint in the armor of the Regency. They were in legislative matters the old enemies of the Regency and the Bucktails. They stood, openly and avowedly, the party of internal improvements with the old Clintonian policy, vigorously advocating the extension of the canal system, as well as fighting every effort of the Regency to raise the tolls.^b

On the bank issue they made still another effort to curry sectional favor. The New York City banks had petitioned the legislature for some modifications of the safety-fund law and for charters under that act.^c When it was proposed to tax them in the regular manner, the Antimasonic leaders saw at once a chance to oppose successfully the administration and gain the favor of these institutions. As the strength of party was almost wholly in the agricultural interior of the State, this policy attracted great attention and was widely commented upon by the Democratic press of the day.^d Incidents of this kind were pointed out by the Democrats as proof positive that real Antimasonry no longer existed.^e

The party kept up the opposition to the Masons; trials and investigations went on as before; and petitions were presented for the repeal of the charter of the grand lodge of the State. All of these proceedings were looked upon by the Democrats as efforts to "keep the pot boiling" for political purposes; and indeed it was necessary that something of this sort should be done if the more radical of the party were to be kept at all in subjection to the machine. Two circumstances occurred in

^a Hammond, Political History of New York, II, pp. 327, 328.

^b Albany Evening Journal, April 15, 1830.

^c Hammond, Political History of New York, II, 327.

^d Says the Argus: "The banks of the city of New York were a few days since described by certain veracious newspapers as odious monopolies, aristocracies, and all that; and the idea that they should be received into the safety fund upon any other terms than the other banks of the State (whatever might be the peculiarities of their situation) was scouted through the same sources. Now, in order to regain the favor of those 'odious aristocracies,' it is declared to be a great hardship to compel them to contribute to the security of the people, in the same manner as the other banks of the State freely contribute; and the presses which assaulted them yesterday, declaim to-day almost with tears in their eyes, against a system which is so harsh as to require them not only to conduct their affairs well, but to secure the people against their defalcations."—Albany Argus, March 27, 1830.

^e Freeman's Journal, Cooperstown N. Y., September 20, 1830. Democratic addresses.

this connection to help the party to gain converts. In the convention of February, 1830, it was decided to draw up a memorial charging the grand lodge with furnishing funds to help the Morgan conspirators. The legislature, by a vote of 75 to 30, referred the whole matter to the attorney-general, who was to file a quo warranto if he should find the grand chapter guilty, and thus deprive them of their charter. Such action was plainly of no use to the Antimasons, as there was no way of compelling the members of the grand chapter to testify, and testimony had to be obtained before a quo warranto could be granted.^a Antimasons considered this action fair proof of the Masonic character of the Jackson party, and of the part Masons were playing in politics.

Another incident tended to confirm this feeling. Mr. John C. Spencer had succeeded Mr. Mosely as special counsel to investigate the Morgan outrage.^b In the course of his duties, he thought that by applying to the purpose the reward of \$2,000 which Governor Clinton had previously offered he would be able to solve the whole Morgan mystery, and consequently he wrote to Governor Throop for advice and authority to use the money. The authority was refused, and soon afterwards Mr. Spencer made a report to the legislature which bore very heavily upon the Western Masons. The legislature cut his salary down to \$1,000, thus showing their disapproval of his work. This produced, naturally, great indignation among the Antimasons and led to Spencer's resignation.^c

Mr. Spencer's letter of resignation was very bitter and reflected severely upon the administration. He complained that he was not given the "advice, direction, and support of the executive, and of the other branches of the government," and that "positive aid, beyond the performance of formal duties from which there was no escape," had in no instance been rendered him, and that official communications to the governor had been divulged so as to defeat his measures and bring undeserved reproach upon him. "These communications," he said, "related to the means of discovery of evidence of the fact of William Morgan's death; they were not only in

^a Hammond, *Political History of New York*, II, 394. Albany Argus, March 9, 1830.

^b Weed, *Autobiography*, I, pp. 233, 258. Mr. Spencer had been one of the counsel for the defendants in the trials of 1826.

^c Hammond, *Political History of New York*, II, 395.

their nature strictly confidential, but the success of the measure suggested, depended entirely upon their being unknown to the parties and their friends, yet they became known to the counsel of the persons implicated in the offense upon William Morgan."^a

The Democrats made all haste to disprove these charges and accused Spencer of wanting to use the money to bribe witnesses. They also accused him of lying, of "gross perversion of the facts in relation to Governor Throop, of the entire omission of the published statements of Governor Throop," and of divulging the facts himself.^b

All this tended to strengthen the Antimasonic spirit at a time when the shrewd leaders of the party could use it to the most advantage. It tended to solidify the opposition to the dominant party, and men, who before had been lukewarm, now turned sharply against an administration which was pictured in such high colors as "the hotbed of Masonry." It was easier to combine the scattered elements of the opposition than formerly, and in the campaign the opportunities thus afforded were skillfully used.

The party leaders now in power spared nothing that could be used to strengthen the machinery of its organization outside of the State as well as within. On February 25 a convention was held at Albany in which it was determined to strike out boldly for wider empire,^c or, in other words, to put the "new, vigorous, and enthusiastic Antimasonic party" in the place of the discomfited and overthrown National Republican party, which had practically withdrawn from the field in most of the Northern States. It became evident that the work done by the leaders in New York had stirred up many like movements in other States and that first steps in the formation of a great party had been taken.^d

When the convention met, a report was made on the press which showed remarkable growth; of the 211 newspapers in the State, 32 were Antimasonic. Thirty-six delegates were appointed to attend the Antimasonic convention, to be held in

^a Spencer's letter, Albany Argus, May 14, 1830.

^b They charged that the "trusty agent of the central committee [Weed] for the manufacture of 'Goodenough Morgans' was the special aid, second, and abettor of Mr. Spencer in all this matter." Albany Argus, June 24, 1830.

^c Seward's Autobiography, 1, 76.

^d Seward, *ibid.*

Philadelphia the following year. Among them were Tracy, Whittlesey, Granger, Holley, Seward, Maynard, Crary, and S. M. Hopkins, the greater number of whom belonged to the young group of politicians who were now directing the party. We see no mention of Solomon Southwick as a delegate to the convention, and he was probably discarded. However, though he was not there, his spirit was present, if we are to judge anything from the reports of the Democratic papers.^a

The convention also virtually discarded Mr. Southwick's political organ, the *National Observer*, and provided for the establishment of the *Albany Evening Journal*, to be conducted by Thurlow Weed. The party was thus provided with an efficient newspaper at the seat of government to compete with the *Argus* and the *Advertiser*. The first number of this paper appeared on March 22, and announced its political policy, pledging itself "to the cause, the whole cause, and nothing but the cause of Antimasonry; * * * a cause which comprehends all the great and cherished interests of our country." It promised to advocate "zealously on all occasions, domestic manufacture, internal improvement, the abolishment of imprisonment for debt; repeal of our militia system; and all other measures calculated to promote the general interest and welfare of the people."^b

It advocated also the temperance cause; contained a great amount of religious news, largely of a controversial nature; and in many ways tried to catch the spirit of the times. The establishment of this paper and its support of many things besides Antimasonry, together with the suspicion that it was created for the advancement of the shrewd young politicians who had followed the fortunes of its editor, drove many sincere Antimasons to oppose it. The dissatisfaction was greatly increased when such hints as the following began to appear in Weed's paper: "The great body of the Antimasons would

^a The *Albany Argus*, March 1, 1830, gives the following significant remarks of John Cox Morris: "He urged the purity and disinterestedness of Antimasonry and objected to having it said 'You want to be a member of the assembly;' 'you want to be a senator' (looking all around the chamber); 'you want to be a member of Congress' (laying his hand on his breast); 'you want to be governor' (dropping his hand toward Mr. Tracy, who sat directly in front of him). 'What,' said he, 'if you talk to a man of Antimasonry, is the answer? You are a d—d fool. You are followers of Solomon Southwick, and he is mad.'"

^b Handbill, with early numbers of the *Albany Evening Journal*.

much rather see Mr. Clay at the head of public affairs than the Masonic dignitary who tramples on the rights of the people."^a

The party had another difficulty to overcome, which tended to split the opposition to the Democrats. The rise of the Workingman's Party in New York at this time threatened also to thin their ranks. The birth of this party was due to agitation to secure for the mechanics of New York a more effectual lien for the labor and materials furnished in the erection of buildings.^b Moreover, the feeling in that democratic age that the workingman's position was despised, and that he was deprived of his rightful share in the government and offices, helped along the movement. All the discontented men who could not join the Antimasons, including, of course, great numbers of the anti-Jackson Masons, joined this party. It soon became a heterogeneous mass, which, says Hammond "professed, among other things, an opposition to the monopoly of banking, to banks and bank paper, although you might very soon perceive bank directors, clerks, and cashiers figuring in their ranks."^c On April 16 they nominated Erastus Root, one of the most radical Masonic leaders, for governor.^d

The Antimasonic leaders immediately began negotiations to win over this movement to the support of their party in the city of New York. "It seemed necessary," says Seward, "to name a candidate for lieutenant governor who resided in the city of New York, was identified with the 'workingmen,' and free from the reproach of previous connection with the Antimasonic party. Samuel Stevens, a young, talented, and distinguished alderman of the city, was approached, and gave his consent to assume that place."^e

The leaders having planned the nomination, the next thing to do was to have the State convention ratify it. The convention was held at Utica, on August 11, and to Mr. Seward was

^a Clay was a Mason. That Weed was actually engaged in trying to tie the fortunes of the party to Clay is shown by the published correspondence with Clay. (Weed's Autobiography, I, 350.)

^b See Hammond, Political History of New York, II, 330.

^c Hammond, Political History of New York, II, 331.

^d Ibid. John Crary, of Washington County, said in the Argus, August 24, 1830, that "the Workingman's party has been considered under Masonic influence, and got up in cities and villages to oppose Antimasonry."

^e Seward, Autobiography, I, 78. To like effect Crary's letter, Albany Argus, August 24, 1830. Weed, Autobiography, I, 367, gives an account of the search for a candidate in New York and the final acceptance of Stevens.

assigned the duty of convincing the delegates of the "expediency and propriety of the nomination of Mr. Stevens."^a Mr. Seward, by that wonderful acuteness which always distinguished his political career, wove such a mesh of connection between Antimasonry and the political events of the past year that it was seemingly impossible to refute him. Among other remarks are those so aptly quoted by Bancroft, the resolution in which he said:

In the events which called the party into existence we have proof that the society of Freemasons has broken the public peace, and with a high hand deprived the State of a citizen; that in the guarded and studious silence of the press throughout the Union on the subject of that outrage, we have proof that Freemasonry has subsidized the public press; that in the refusal of the house of assembly to institute a legislative inquiry into the acts of the society of Freemasons in relation to that outrage, we have proof that the legislative department has been corrupted; that in the withholding by the acting governor of all positive aid in bringing to justice the actors in that profligate conspiracy, and in his recent denunciation of the same public, which when a judge he hailed as "a pledge that our rights and liberties are destined to endure," we have proof that Freemasonry has made a timid executive subservient to her will, and that in the escape of the guilty conspirators by means of the Masonic obligations of witnesses and jurors, we have fearful proof that Freemasonry has obstructed, defeated, and baffled the judiciary in the high exercise of its powers. That for these reasons the society of Freemasons ought to be abolished.^b

However, the radical Antimasons readily saw through the efforts of Seward and put up a vigorous opposition in the convention.

Mr. Stevens was nominated by Mr. Fessenden, a delegate from New York. Mr. Fessenden's words upon this occasion are highly interesting. After alluding to Mr. Stevens and his popularity among the workingmen of New York, he said he "should not object to Mr. Crary if the majority of the State were Antimasons, but of what use would it be to nominate a governor and lieutenant governor, and have both defeated."

He said he was "opposed to coalitions, but this was not a coalition; it was using the name of a man known to be opposed to the Masonic institution, the name of an individual popular and honorable, for the purpose of gaining a victory in favor of Antimasonry." He spoke at some length, alluding to the advantage of a partial victory if a complete triumph could not

^a Seward, Autobiography, I, 78.

^b Proceedings of the convention, pp. 4, 5. Bancroft's Life of Seward, I, 33.

be gained, and the desirability of obtaining all the votes possible, "whether Antimasons or not."^a This quotation is given in order to show more clearly the position of the Antimasonic party at this time. That such sentiments could have been uttered and such a nomination made shows clearly that the party had deviated from its fundamental principles, and really was indistinguishable from the old opposition to Jackson. An attempt on the part of the Radicals to make a separate nomination failed.^b

Southwick and Crary had now lost the last vestige of power in the new party. The celebrated author of "Solomon Southwick's Solemn Warning," like a prophet of old, wailed aloud in his grief and heaped solemn anathemas upon the heads of the iconoclasts who had dared to dispute his leadership. He accused Weed and his friends of trying to destroy his paper, of going into the "dark corners," as he says, "like Freemasons, which they pretend to oppose, and attempt by vile calumny and mean insinuation to impeach my fidelity, my prudence, and my judgment in supporting the cause, * * * let them meet me face to face, front to front, before a just, impartial, and independent people, and I fear not the issue. I shrink from no investigation, fear no responsibility, I fear none but God. I hate none but the devil, and his works of darkness."^c

Mr. Crary, too, in a letter stated his grievances. He said that Mr. Stevens was not an Antimason and "that whenever a candidate is nominated that does not sustain the character of an Antimason, the party and principle is dissolved." He accused the party of having lost its integrity, called for a purification, and urged the Antimasons to throw off "the bondage of men who have entered the party from unworthy motives, * * * so that the character of honorable men belonging to it be vindicated from reproach."^d

Many of the discontented men leaned toward the Democrats, and we hear Southwick proclaiming against "Henry Clay's Grand Trinity of Corruption, Bankocracy, Freemasonry, and National Internal Improvement." "Already," he says, "are the branches of the national bank multiplying among us, and

^a Proceedings of convention, Albany Argus, Aug. 16, 1830.

^b Weed, Autobiography, I, 367.

^c National Observer, August 21, 1830.

^d Letter dated Salem, August 17, 1830, in Albany Argus, August 24, 1830.

that, too, under Masonic influence as well as Clay influence, which are one and the same thing. The cloven foot of Clay begins to show itself so clearly in the movements of some folks who pretend to be Antimasons, that it may be seen with half an eye."^a

The last remarks were called forth, no doubt, by the increased interest shown by the political Antimasons in national affairs. The Antimasonic convention had assembled at Philadelphia September 11, and New York, Massachusetts, Connecticut, Vermont, Rhode Island, Pennsylvania, New Jersey, Delaware, Ohio, Maryland, and Michigan were represented. The convention was distinctly under New York influence, and Francis Granger, the candidate for governor, was president. The national character of the designs of the party were fully set forth, although it was not thought expedient to nominate a candidate for President. It was voted, however, to hold another convention of "the people of the United States opposed to secret societies * * * to meet on Monday, the 26th day of September, 1831, at the city of Baltimore, by delegates equal in number to their representatives in both Houses of Congress, to make nominations for suitable candidates for the office of President and Vice-President to be supported at the next election."^b

During the course of the proceedings the political nature of Antimasonry was openly avowed by Mr. Irwin, of Pennsylvania, who remarked "that he had been surprised the other day to hear a gentleman express his surprise that the convention had assembled for political purposes." He declared "that they had met for no other but political purposes."^c Here, then, we have the Antimasonic spirit fashioned into a recognized national political party with many issues to present to the people besides its opposition to Masonry. The resolutions of the convention are remarkable for the manner in which national issues are sandwiched in with rabid Antimasonry. The following may serve as examples:

Resolved, That a committee be appointed to consider the nature, principles, and tendency of Freemasonry as regards its effects on the Christian religion.

^a Southwick's letter, Albany Argus, October 16, 1830.

^b See proceedings and also Philadelphia National Gazette, September 11, 1830; Albany Argus, September 17, 22, 1830.

^c National Gazette, *ibid*.

Resolved, That a committee of five be appointed to inquire and report concerning the effect of the ties and obligations of Freemasonry upon the commerce and revenue of the United States.

Resolved, That a committee be raised to inquire into the pecuniary circumstances and situation of the family of Capt. William Morgan, and to report what measures, if any, should be adopted.

Resolved, That a committee be appointed to consider and report the most expedient time, place, and manner, for making nominations of candidates for the offices of President and Vice-President of the United States.^a

The gubernatorial campaign was exciting, and everything which could possibly be brought against the Jackson party was used. Some of these charges deserve a brief treatment. The Jackson party was decried in the Lake sections because Jackson had vetoed a bill for the construction of harbors on Lake Erie.^b

The Cherokee question and the missionaries were topics of general interest at that time and were used to the best advantage by the Antimasons in working upon the religious elements, and Antimasonic conventions throughout the State passed resolutions condemning the Democratic policy in these matters.^c The "American system," too, was universally supported by the party, and great stress was laid in this particular campaign upon the interests of "mechanics and workmen" as helped by that system. It was no doubt a very welcome shibboleth because of the efforts to draw the "Workmen's"^d party to their standard.

In distinctively state matters the canal and internal improvement question was put prominently forward. Granger, on accepting the nomination, had pledged himself "to foster and extend that system of internal policy which has placed our State upon its envied preeminence."^e The party, as usual, directed a fierce crusade against the Regency, declaring that the "Regency combined with the canal commissioners, had conspired to raise the canal duties so as to divert our commerce into the Welland Canal of Canada; * * * that they opposed the railroad contemplated to be made between Albany

^a From New York Courier and Enquirer in Albany Argus, September 17, 1830.

^b Albany Argus, October 21, 1830.

^c See Queens County convention, Albany Evening Journal, October 13, 1830.

^d Cayuga convention proceedings, Albany Evening Journal, September 25. Sullivan County convention, Albany Evening Journal, October 8, 1830. Seventh senatorial district convention, Albany Evening Journal, September 25.

^e Albany Argus, August 23, 1830.

and Boston; * * * that they denounced all internal improvements as "unconstitutional and dangerous to their party,"^a and that they contemplated levying a direct tax to provide funds for the State.^b

The irritation among the people of the southern and central counties because of the continued postponement of the Chenango Canal was one of the most valuable sources of gain to the party. Although Chenango County, which was most anxious for this improvement had been one of Van Buren's strongest counties in the famous election of 1826, and this district was in general a staunch Democratic one, yet because of this question, the Democrats were now in a fair way to lose their strength there. The Twenty-first Congressional district convention of Antimasons resolved that they deemed the construction of the Chenango Canal to be an object of "paramount and vital importance to the interests of this district," and that they would not "support any man for office whom we know to be opposed to it."^c As events proved, these threats were not idle, and represented not only the ideas of the Antimasons, but of the great mass of the inhabitants of the south central counties.

The Antimasonic excitement itself must not be forgotten in summing up the political condition of the people in this campaign. We have the following strange and chaotic conditions: (1) Antimasons attacking the Masonic institutions; (2) both Jackson Masons and Clay Masons attacking the Antimasons; (3) Clay Masons to some extent supporting Antimasonry; (4) Masons openly supporting Throop as Masons; (5) Weed negotiating for support from the Masons; (6) radical Antimasons attacking the followers of Weed; (7) Democrats attacking radical Masons and repudiating their support.

To explain more fully these conditions, it is to be noted in

^a Albany Argus, November 18, 1830.

^b Albany Evening Journal, October 19, 1830. Seventh senatorial district convention, *ibid*, September 25. Chenango convention, *ibid*, October 5, 1830.

^c Albany Evening Journal, October 15, 1830.

In a meeting of the Antimasons, of the town of Oxford, it was resolved: "That in the opinion of the meeting the defeat of the Chenango canal may be traced to the duplicity of the canal commissioners, the hypocrisy of its pretended friends, and to the deep and settled hostility of the Albany Regency to every question of public policy which does not minister to their private interests and selfish ambitions as individuals, and their ascendancy as a party."—Albany Evening Journal, October 4, 1830.

the first place that the Antimasons did what they could to keep alive the excitement and persecution of the Masons. Orations were delivered; collections taken up for the support of the widow of William Morgan; pamphlets, almanacs, and addresses circulated; Masons forbidden to preach or to partake in the communion service;^a and various itinerant preachers and lecturers patrolled the country in aid of the cause. Ex-Masons opened lodges, and disreputable characters as "poor blind candidates" were initiated as "entered apprentices," passed to the degree of "fellow-craft," raised to the "sublime degree of master mason," advanced to the "honorary degree" of "mark master," installed in the chair as "past master," received and acknowledged as "most excellent master," and exalted to the degree of "holy royal arch," before delighted audiences.^b The excitement was further propagated by the manufacture of other Morgan cases. In Washington County a great stir was produced over the murder of a man named Witherill, which was declared to be the work of the Masons.^c

The Antimasons received great aid from the increasingly bitter attitude of the radical Masons and their paper, the *Craftsman*. Of this latter, the Democrats said: "There is probably no single cause to which anti-masonry is more indebted for its continued prevalence in the western counties."^d Although this paper was plainly acting with the Democratic party, yet the *Argus*, the organ of that party, denounced it unsparingly. Its attitude is well shown by the following:

Though it [the *Craftsman*] desires to be understood as acting with the Democratic party * * * the truth of the matter is simply this: The *Craftsman* is devoted to the cause of Mr. Clay. For that purpose it was established and to that end its efforts have been directed. The design had been to give the publication a circulation and character on other grounds, so as to attach weight to its recommendations when the time would come for an avowal in favor of Mr. Clay.^d

^a Albany Argus, October 16, 1830. See papers of the day.

^b Seward, Autobiography, I, 76. See papers of the day.

^c Albany Evening Journal, October 16, 1830. Washington County was the home of John Crary, and bordered on the strong Antimasonic State of Vermont. It was a strong Antimasonic county.

^d Albany Argus, July 24, 1830.

The desperate efforts of the Democrats to get rid of this "Old Man of the Mountains" were piteous and unavailing. They could not escape the stigma of this forced relation.^a

While Weed was busily engaged in abusing others, he was being abused by the Democrats, by the Southwick Antimasons, and by the Clay men who refused to unite with him and whose organ was the Albany Advertiser. He was accused on all sides of being inconsistent and of recommending Antimasons to vote for Masons who had not renounced. One instance of this kind was especially harped upon. The Antimasons of Albany were not strong, and after vain attempts at organization, it was urged in a meeting on October 13, "that as our contest is against Masonry only, and we are sorry to say, that the consequence of this county being the very sink of Masonry that there is no prospect of our selecting an assembly ticket of our own on pure Antimasonic principles, and we therefore recommend to Antimasonic friends to select such persons not adherents of any secret society as they think proper to vote for."^b

Among the men recommended by Weed for the nomination were several who were accused of being Masons.^c Weed caused the report to be circulated that these men had renounced and that he had their renunciations in his possession, but that he did not wish to have them published till after the election for fear of injuring their popularity. His opponents clamored loudly for these renunciations, and the Southwick Antimasons accused him of having "been guilty of a mean and base deception" and of having "duped the honest Antimasonic yeomanry" to vote for adhering Masons.^d It was said that he had openly made bargains with the Masons for their votes.^e

^a The Anti-masons used the changed attitude of Throop toward their movement and his recent denunciation of it with success. It was said "that his inconsistent and contradictory conduct in relation to the excitement produced by the abduction of William Morgan shows him as destitute of firm principles as he is of intellectual strength. In 1827, as a judge of the bench, he abandoned judicial dignity and propriety and went out of his way to catch the popular breeze. He applauded the excitement, called it a 'blessed spirit,' and remarked that he saw in it a pledge of the continuance of the same principle which had achieved our independence. In 1829, while president of the Senate, he indulged in the most wanton abuse of the excitement he had two years before applauded; and compared it to the delusion of our ancestors respecting witchcraft."—Albany Evening Journal, October 19, 1830.

^b Albany Argus, October 19, 1830.

^c Ibid.

^d Southwick's National Observer, November 13, 1830; Albany Argus, October 17, 1830.

^e Albany Argus, October 16, 1830.

As will be seen later, there were some very good grounds for these accusations. Never was Weed more bitterly attacked. The papers were full of humorous and sarcastic allusions to him. He was called a "trickster," the "all powerful dictator," the "modern transformer who, if the anti-masons do not ratify his bargains, will clip their whiskers and so transform them that they will not be recognized by their wives when they return home."^a

Election for Governor of New York in 1830. Granger also carried Queens County (on Long Island), which does not appear on this map.

The results of the election were surprising. Throop received 128,892 votes, while Granger received 120,361.^b The election was lost by the fact that the Clay counties of the east, containing so many strong Masons, went over to the

^a Albany Argus, July 22, 1830. Newspapers of the day. This latter is a reference to the clipping of the beard of the dead body of Timothy Monroe in the well-known "good-enough-Morgan-till-after-the-election" story, which virtually became a Banquo's ghost to Weed. (See Weed, Autobiography, I, 319; Bancroft's Life of Seward, I, 39.) The papers of the day are full of these canards, and Weed is commonly called "Sir Whiskerando," "The Knight of the Shorn Whiskers," "The Manufacturer of Good-Enough-Morgans," etc.

^b Hammond, Political History of New York, II, 336. Root had withdrawn, but his successor, Ezekiel Williams, received 2,322 votes.

Jackson party rather than vote for Granger.^a Rensselaer, Columbia, Albany, Saratoga, Washington, Montgomery, Oneida, Lawrence, Franklin, and Essex counties had all been carried for Granger in the election of 1828. Now they had turned Democratic.^b

Many of the Clay papers openly avowed that they had defeated Granger on account of his Antimasonic principles. The Albany Advertiser boasted that "the results of the late election have proved in a voice of thunder that our cause was approved by the people, and by the party with which we have always acted. In this and the counties adjoining, Rensselaer, Columbia, Montgomery, and Oneida, which have given and can give at any time, and will give whenever the question shall distinctly come up, a majority of 3,000 for the National Republican party, have now given a majority of 7,500 for Throop."^c It was asserted that the "friends of Mr. Clay, almost to a man, gave their votes for Throop and Livingston instead of Granger and Stevens because they knew that of the parties these last * * * are not more the enemies of social order than they are of Mr. Clay."^d

The nomination of Stevens was apparently of no avail; only Queens County was carried by the Antimasons in the eastern part of the State;^e but the efforts of the Antimasons in favor of the Chenango Canal were appreciated in the counties of Broome and Chenango. These counties, which had voted against Granger in 1828, were carried, together with many towns in Madison and Oneida counties. The sixth, seventh, and eighth senatorial districts were carried by the party, and Charles W. Lynde, Trumbull Crary, Philo C. Fuller, and the brilliant young politician, William Henry Seward, were elected.^f Tompkins and Cayuga, although Throop lived in this district, were carried by Seward through the support of the "Workingmen."^g The Democrats acknowledged that the

^a See Albany Evening Journal, February 18, 1831; Albany Argus, November 10, 11, 15, 1830; Boston Independent Chronicle (Clay), June 30, 1832; Clay's Private Correspondence, 289; Adams's Diary, 8, 261; Antimasonic Inquirer in Ohio State Journal, December 2, 1830.

^b Rensselaer gave Throop 1,918 majority, Albany upward of 900, Columbia more than 800, Montgomery 1,749.

^c Albany Advertiser, November 20, 1830.

^d Ohio State Journal (Clay), December 2, 1830.

^e Albany Argus, November 11, 1830.

^f Hammond, Political History of New York, II, 337.

^g Bancroft's Life of Seward, I, 85. Seward Autobiography, I, 80.

Antimasons had elected 33 members to the lower house, while they claimed 91.^a

The election was a big disappointment to Weed, who was greatly downcast by the result. Many Masons who had promised him their votes, and upon whom he had confidently rested his hopes, voted against him. There seems to be no doubt, from his own admission, that he negotiated with the Masons, as Southwick accused him of doing.^b There is some reason to believe, too, that many Masons voted the Antimasonic ticket.^c

The Antimasons had lost the election by presuming too much upon the merely political nature of the citizens of New York. The management of the campaign shows great skill, but it also shows the political optimism of young men. Although this election is called the "high tide of political anti-masonry,"^d yet it showed the great inherent weakness of the Anti-Jackson party in New York, the difficulty of uniting all jarring elements under such a banner as Antimasonry.

^a Albany Argus, November 11, 1830.

^b Weed, Autobiography, II, 40. Weed to Granger.

^c Weed, Autobiography, I, 368. Whittlesey to Weed.

^d Bancroft's Life of Seward, I, 35.

CHAPTER V.—POLICY OF THE PARTY UPON LOCAL AND NATIONAL QUESTIONS.

Although their plans had miscarried in many respects, yet the Antimasons had good ground for hope, and were not discouraged or disheartened. They had, in both houses, as brilliant a group of young politicians as ever had graced the floor of the legislature of New York. Among these were the eloquent Maynard; the cultured, brilliant, and diplomatic Tracy; Millard Fillmore, whose fate it was to occupy the Presidential chair; the polished Granger; John C. Spencer, once the "special counsel," now a welcome addition to Antimasonry; and, above all in possibilities, William H. Seward, able, eloquent, and shrewd.^a These bright young leaders of the party in the legislature soon showed their strength in the many popular issues which they supported.

Very early in the session Seward attacked the militia system which then existed and which had degenerated to paper enrollment and a farcical field day. He showed clearly how useless was such an enormous system as then existed.^b

Another measure upon which the party stood together, and which tended to increase its popularity, was the bill to abolish imprisonment for debt, which passed with considerable opposition.^c

Of all their efforts, none had been more profitable to them than their advocacy of the Chenango Canal. The same attitude toward this particular project and the canal and improve-

^a See Bancroft's *Life of Seward*, I, pp. 37, 38, for a description of these men.

^b This system required 180,000 men, and of course precluded the idea of efficient drilling. It was unpopular, too, because of its compulsory nature and the fine imposed for nonattendance. Mr. Seward's amendment proposed to reduce the number and to make the service voluntary—in short, a system "which would do away with those features which rendered militia duty so odious that every young man sought to be released from it." The movement was a very popular one, and, in line with the Antimasonic policy, was vigorously supported by them. For Seward's speech, see *Albany Evening Journal*, February 9, 11, 1831. Maynard's speech in the committee of the whole, *ibid.*, February 8, 1831. See, also, Seward, *Autobiography*, I, 82, 180. Bancroft's *Life of Seward*, I, 80, 41.

^c Seward, *Autobiography*, I, 192. It did not go into effect till March 1, 1832. "The act as passed retained imprisonment as a punishment only for fraud committed by debtors, and forever prohibited the incarceration of debtors, who, though unfortunate, were not guilty of dishonesty." Seward, *ibid.*, I, 84. See also Weed, *Autobiography*, I, 379.

ment policy in general was again exhibited in this session. After a considerable struggle the Chenango Canal bill was finally reported to the senate on the last day of February. Here it was defeated by a vote of 16 to 14, the Antimasons voting in a body in favor of it.^a

The party attacked boldly the power of the Regency over the Erie Canal. Maynard was particularly persistent in his efforts. In pursuance of this policy, he introduced a resolution providing that there should be four canal commissioners who should be appointed by the legislature and hold their office for three years unless sooner removed by concurrent resolution of the senate and assembly. This plan was intended to "bring the question of their appointment before the people at stated periods." It was defeated, however, by a vote of 16 to 6 in the senate, the Antimasons voting in a body for it.^b

The people of Monroe, Livingston, Genesee, Allegany, Cattaraugus, and Steuben counties had several times petitioned for a canal from Rochester to the Allegheny and had been refused by the Democratic majority in the legislature. This was another item which added to the popularity of the Antimasons.^c

More important than these measures because of wider significance was the attitude of the Antimasons toward the banks of New York and the national bank. The State banks under the safety-fund system were naturally desirous of obtaining the profits and opportunities which they would gain if the deposits of the United States banks were turned into their vaults. The Democrats had been the originators of the safety-fund system and consequently were in direct opposition to the national banks.^d On March 4 a resolution was introduced into the assembly as follows: "*Resolved*, That it is the sentiment of this legislature that the charter of the Bank of the United States ought not to be renewed." The resolution was carried by a vote of 73 to 35 in the lower house and in the senate by a vote of 17 to 13.^e The Antimasons voted against it upon both occasions.^f The Antimasons made much political

^a Albany Argus, March 1, 1831. Hammond, Political History of New York, II, 352.

^b Albany Evening Journal, March 11, 1831.

^c Albany Evening Journal, February 21, (?) 1831.

^d Seward, Autobiography, I, 85. Hammond, Political History of New York, II, 350.

^e Albany Argus, April 9, 1831. Hammond, Political History of New York, II, 351.

^f Albany Argus, April 12, 1831. Hammond, Political History of New York, II, 352.

material of this question. They warned the people of the power of the State banks and the supposed corrupt relations of the canal commissioners with them,^a and held as one of their principal arguments that the United States Bank not only kept "in check the power of the aristocracy [Regency], but in consequence of being obliged by its charter to lend money at six per cent, it materially diminished the income which the State banks would derive from loans at seven per cent."^b The attitude of Weed did not exactly concur with that of the rest of the party. That farseeing politician felt the pulse of the times. He saw the unpopularity of the Bank among the great mass of voters, and consequently already doubted the issue as a vote-winning political force. His paper was full of equivocations upon the subject. He intimated in several numbers that the Antimasonic members of the legislature who voted for the Bank were not necessarily in favor of that particular institution. These remarks were quickly taken up by the enemies of the party anxious to insert a wedge wherever possible.^c

Enough has been shown for us to see that there was a very strong and active party ably led in both houses of the legislature, and that they had substantially absorbed the old National Republican party and had taken up the old issues together with various clever vote-getting additions.

While Antimasonry was so prominent in the legislature the leaders were no less actively engaged in perfecting the political organization of the party, both in the State and in the

^a Albany Argus, May 2, 1831

^b Address of the Antimasons of the legislature to the people of New York, Albany Evening Journal, April 28, 1831.

^c Albany Argus, May 20, 1831.

The Antimasons introduced during this session many matters of smaller importance, but yet of a popular nature, such as tended to strengthen their cause. A proposed amendment was introduced by Seward intended to secure a "decentralization of the political power of the State," providing that the mayors of all the cities in the State should be elected by the people. It was finally adopted after a hard struggle, and some years afterwards it was practically incorporated into the constitution of the State. Seward, Autobiography, I, 84. Albany Evening Journal, April 28, 1831. Bancroft's Life of Seward, I, 41.

A bill of like nature, intended to curtail the patronage of the governor, was that which was introduced advocating the appointment by the legislature, instead of by the governor, of the superintendent and inspector of the salt-manufacturing works of the State. There had been much abuse connected with this matter, as these officers, it was said, had mingled in the electioneering contests of Onondaga County, where the salt works were situated. Address of Antimasons of the legislature to the people of New York, Albany Evening Journal, April 28, 1831.

broader field of national politics. The Antimasonic State convention held on February 18 proved to be a very stormy affair. Men who had gone into the party to kill Masonry were disgusted with the way the election was conducted, and called loudly for reform. Immediately upon the opening of the convention they urged the adoption of a resolution that "we renew our league and covenant, and that we will not support any Mason for office, under any circumstances whatsoever, who adheres to Masonic obligations."^a It was urged that the party "might lose some of its adherents by adopting these resolutions; but ultimately it would secure its predominance."^b

Such ideas, of course, were utterly foreign to Weed's conception of politics, and they met with decided opposition from his followers. One gentleman said plainly "that Antimasonry had other and higher objects in view than the prostration of the Masonic fraternity. * * * Between two Masons who were candidates for office he would choose the least obnoxious when there was no chance of electing an Antimason. * * * He believed that there was no longer any danger to be apprehended from Masonry. That it was a corrupt institution he well knew; but to preserve the Union, which he considered in danger, he was willing to let Masonry exist a little longer."^c

Samuel Miles Hopkins, one of the oldest and most influential Antimasons, said that he thought that the Union was in danger from Jacksonism, and at the last election he had "thought it advisable to support men who were adhering Masons. * * * He was induced to oppose the nomination of the Antimasonic ticket in Rensselaer, Albany, and Washington counties. * * * He was free to admit, however, * * * that he had done nothing to advance the cause of Antimasonry, and now * * * he fully accorded with the sentiments expressed" by the resolution.^d

The resolution as amended by Mr. Fuller passed the convention on February 19 and read as follows:

Resolved, That inasmuch as very erroneous sentiments respecting the views of the Antimasonic party have been industriously circulated by its

^a Albany Argus, February 21, 1831.

^b Albany Argus, February 21, Proceedings of the Convention.

^c Ibid.

^d Ibid, Hopkins's speech.

enemies, we do hereby declare that we will not support any man for office under the state or General Government who at the time of his nomination is an adhering Mason.^a

Weed was in the convention, and, as far as we know, was a silent witness of these proceedings which threatened to put so many stumbling blocks in his path in the future. The convention, in fact, was a distinct defeat for him and his friends.

The summer was passed in negotiations between the National Republicans and the Antimasons, for it was evident to the National Republicans, not only in New York but throughout the Union, that they needed the growing power of the Antimasons in order to win the approaching Presidential contest. Their candidate was Henry Clay, and they did what they could to make it appear that he was no longer a Mason, and tried to placate the Antimasons by calling upon the Masons to throw aside their order for the good of the National Republican party, and ultimately for the nation.^b

To Weed this union, which for a while seemed hopeful, now looked doubtful, particularly after his defeat in the convention and the reactionary attitude of the Antimasonic press.^c After negotiations with Clay he found it impossible to get him to renounce Masonry and he finally declared that "Mr. Clay's friends have placed Freemasonry between him and our party. * * * Indeed our party is prohibited from supporting Mr. Clay, even if it desire to do so, by [reason of] his own letter published last fall in the Daily Advertiser. In this Masonic organ, an extract from a letter from Mr. Clay appeared, in which he forbid the association of his name or interest with the Antimasonic party."^d

In accordance with this policy, Mr. Clay was abandoned in the Antimasonic national convention of September 26, 1831, and William Wirt was nominated as the candidate of the party.^e The leading spirits of this convention were New York men, including Seward, Spencer, and Weed. Spencer, the converted ex-"special counsel," presided.

^a Albany Argus, February 25, 1831.

^b New York Commercial Advertiser (Clay), in Albany Argus, June 30, 1831. Buffalo Journal (Clay), in Albany Argus, July 20, 1831.

^c New York Whig, in Albany Argus, July 21, 1831, and papers of the day.

^d Albany Evening Journal, June 1, 1831. See also *ibid.*, June 6.

^e Seward, *Autobiography*, I, 90. Weed, *Autobiography*, I, 389. The party as a national party will be considered later.

The election of November, 1831, excited very little new interest, since the great source of disturbance and political material—the Morgan trials—had ceased because of the fact that the statute of limitations barred further prosecutions except for murder; and as Masonic lodges had to a great extent given in their charters throughout the State, there was very little of that bitter spirit which had characterized the political elections thus far. More was now said about general politics.^a The party elected about 30 members to the assembly, and the National Republicans elected 6.^b

The end of the year shows Antimasonry developed into a full-fledged national party with a Presidential candidate. It shows us also the old spirit of Antimasonry still alive, but, in spite of the reactionists of the State convention, fast turning from the waning interests of the old excitement into a steady opposition to the Jacksonian policy and the Regency. Though losing a little in the election of 1831, we find it preparing to put forth all its strength in the great effort of 1832.

^a Hammond, *Political History of New York*, II, 397. Seward, *Autobiography*, I, 91. The *Craftsman* still kept up its warfare upon Antimasonry, with an occasional fling at Throop, who had so offended them by his utterances. See extracts from *Craftsman*, *Albany Evening Journal*, February 28, 1831.

^b Hammond, *Political History of New York*, II, 397. The *Argus* allows them but 26. *Albany Argus*, November 14, 1831. Weed claimed 31 in the assembly and 7 in the senate. Weed, *Autobiography*, I, 391.

CHAPTER VI.—PRESIDENTIAL ELECTION OF 1832 IN NEW YORK.

The session of the legislature of the year 1832 was occupied to a great extent by partisan politics of a national character.^a One of the first matters to come before it was the question of the renewal of the charter of the United States Bank, which had again been taken up by Congress. It was brought before the legislature of New York in the form of a joint resolution against the renewal of its charter. The question was ably debated, Seward leading the Antimasons in opposition.^b Notwithstanding the great efforts made the resolution finally passed the senate on February 4 by a vote of 20 to 10, the Antimasons voting in a body against it.^c The resolution passed the assembly by a vote of 75 to 37.^d

The State banks were assailed as having aristocratic and corrupt power in contravention to the charge brought forward by the Democrats that the Antimasons and Clay men were supporting an aristocratic monopoly. The opposition received unexpected succor from Mr. Root, who declared in Congress that the "Albany Regency favor the State banks and have brought them under control, and through them control the elections, the countervailing influence of the United States Bank being the only check upon their power."^e

Another very important matter brought before the legislature was the old question of the Chenango Canal, which had been brought up so many times and had been so many times defeated.^f The Antimasons had gained votes in the previous

^aSeward, Autobiography, I, 93.

^bHammond, Political History of New York, II, 402. Seward, autobiography, I, 209.

^cAlbany Argus, February 6, 1832. Hammond, Political History of New York, II, 407, sets the date as February 16.

^dHammond, Political History of New York, II, 407.

^eAlbany Argus, March 21 and April 12, 1832.

^fThe canal was one of a system. It is generally conceded that it promised least and yielded the least. Seward, Autobiography, I, 95.

elections by advocating this measure, and they now renewed the attacks. The great popularity of the canal in the southern part of the State made this one of the most strongly contested questions between the parties. The Democrats introduced a bill into the senate providing for the construction of the canal, but with so many restrictions that it could not have satisfied the petitioners.^a It was lost in the assembly by a vote of 64 to 52 despite all the exertions of Granger. The friends of the bill in the assembly consisted of the Antimasons, the members from the Chenango Valley, and several of the members from the city of New York.^b Meetings were held in the various counties, and a great convention of the friends of the canal met on September 5. Delegates from Oneida, Madison, Chenango, Otsego, and Broome were present, and the greatest indignation was expressed at the action of the Democratic majority.^c

Throughout the summer Mr. Granger was lauded as the great champion of the canal,^d and the Democrats saw clearly that desperate efforts must be made to retain these counties. In the first place, it would be fatal to run Throop, who had opposed the canal;^e in the second place, they determined to nominate a lieutenant-governor from that section, which they did in the person of John Tracy, of Oxford;^f in the third place, there is some reason to believe that they promised the people of these counties that the next legislature would pass a law providing for the construction of the desired improvement.^g The effects of these measures were decisive, and will be discussed later on.

In national affairs the Antimasons of New York came out with exactly the same platform as the National Republicans—in general, the American system, national bank, and internal improvements.^h They pursued the same policy as heretofore, and every little local issue was made to furnish ammunition against Jackson and against Marcy, who was running for gov-

^a Hammond, Political History of New York, II, 413. Albany Argus, March 9, 1832.

^b Hammond, Political History of New York, II, 414.

^c Albany Evening Journal, September 13, 1832.

^d Albany Argus, July 9, 1832.

^e Hammond, Political History of New York, II, 406.

^f Hammond, Political History of New York, II, 406. Weed, Autobiography, II, 44. Spencer to Weed.

^g Hammond, Political History of New York, II, 422. Seward, Autobiography, I, 100.

^h Albany Evening Journal, August 24, September 14, 1832.

ernor. They raised the old cry upon the Maysville road veto, that Jackson was opposed to internal improvement. In this they made a mistake, because the Democrats triumphantly pointed out that the Maysville road would be a rival to the Erie Canal;^a they assured the people that no enterprise of the nature of the Erie Canal would be helped by the National Government; and insisted that all help from the Government must be confined to national objects, thus practically securing monopoly for the New York Canal over all others, and quieting the fears of those who dreaded that help would be given by the Government to the Pennsylvania system.^b

A bill was introduced providing for the improvement of the Hudson River, especially the part called the "Overslaugh," a few miles below Albany, known in the political literature of the times as "Marcy's farm." Marcy and other leading Democrats of New York voted against it, and Jackson vetoed it. The Antimasons naturally seized this opportunity, and conventions in various places passed resolutions against the use of the veto power.^c The Democrats explained that the veto was caused by the objectionable riders attached to the bill.^d Jackson's veto of a bill to improve two harbors situated at the mouth of the Big Sandy Creek and the Salmon River on Lake Erie, and Marcy's vote against the bill furnished material for opposition from that section.^e

Another grievance was in connection with the Lake Erie and Hudson River Railroad survey. This railroad was intended to go through the southern tier of counties. According to an act of Congress the survey was to be made at public expense, if the President should think it of national importance. Jackson detailed engineers for the purpose, but ordered the surveys not to be made unless the State or incorporated companies or

^a Albany Argus, October 16, 19, 1832.

^b Tallmadge's letter, Albany Argus, September 15, 1832. See also Albany Argus, October 5.

^c It was declared "that the improvement of the navigation of the Hudson River is of national importance, not merely to this State, but of portions of New England and of all the Western States. * * * We can not comprehend the logic by which the President was led to the conclusion that such a measure was unconstitutional, when at the same time he approved of appropriations for objects far less national in their character and comparatively less important to any interest, either local or general."—Albany Evening Journal, Oneida convention of August 15, and Montgomery convention in Albany Evening Journal of August 25, 1832.

^d Albany Argus, October 5, 1832.

^e Proceedings of the Oswego convention, Albany Evening Journal, October 8, 1832. See, also, *Ibid.*, September 22, 1832.

individuals interested should meet all the expenses, except such as belonged to the personal compensation of the engineers and the procuring and repairing of necessary instruments. The money not being forthcoming, they stopped work. The President was declared by the opposition "to have evinced 'unprincipled opposition' to the internal improvements and the interests of the State."^a

These are but minor incidents. What was really remarkable about the year 1832 was the manner in which the forces of the opposition were collected and marshalled against the Administration and its candidate for governor. The Antimasonic State convention met at Utica on June 21. Albert H. Tracy, of Buffalo, was elected president, and Francis Granger, of Ontario, and Samuel Stevens, of New York, were unanimously nominated as its candidates for the offices of governor and lieutenant-governor. The convention concurred in the nomination of Wirt and Ellmaker for President and Vice-President, and nominated a remarkable electoral ticket, containing the names of many men who were at least not avowed Antimasons. Says Weed: "We aimed, in the selection of candidates, to secure the votes of all who were opposed to the re-election of General Jackson."^b Chancellor Kent was put at the head of the ticket, and half of the electoral ticket were Antimasons and half from the old National Republican party.^c The whole attitude of the convention shows it to have been completely under the thumb of Weed and his friends. The addresses dwelt upon the abuses of the Administration, and had little to say (doubtless to placate the Clay supporters) about the principles of the party.^d This policy was in line with the general silence upon Antimasonic topics for some time previous, partly, no doubt, caused by the dying out of the Masonic institution, and partly from the desire not to hurt the coalition by offending the Masonic National Republicans.^e

The plot had been so carefully arranged, and the electors so evenly divided that the National Republican convention of

^a Proceedings of the Cayuga County convention, Albany Evening Journal, October 3, 1832. See, also, *Ibid.*, September 5, 1832.

^b Weed, *Autobiography*, I, 413.

^c Seward, *Autobiography*, I, 99.

^d Albany Argus, June 23, 1832. See, also, *Ibid.*, October 9, Address of the Columbia electors.

^e Seward, *Autobiography*, I, 213. Letter of April 14.

July 25 found no difficulty in nominating the same State and electoral ticket, although they nominated Clay and Sergeant for Presidential candidates.^a

Seward says:

The question as to which man the electoral vote would be given if the ticket was elected was earnestly discussed, but, so far as I know, no public explanation was ever given. Perhaps I know all on that subject that was known by anyone who was not a member of one or of both of the State conventions. * * * I thought the chances about equal that the combined opposition might carry the State. I expected that, in that case, the electoral votes would be cast for Wirt and Ellmaker, unless it should appear from the results of the election in other States that, being so cast for Wirt and Ellmaker, they should not be sufficient to secure their election, but would secure the election of Clay and Sergeant if cast for them.^b

To bind the opposition more firmly together and to prevent quarrels, it was decided that a man from each party should attend the district and county conventions to harmonize conflicting interests and opinions.^c

But if the scheme seemed to succeed, the leaders of the Antimasons had, as events show, presumed too much upon the good nature of those of the party who were still bitter and uncompromising in their hatred of Freemasons. Weed's discomfiture in the convention of 1830 had not made a sufficiently lasting impression on him, and he again overreached his mark. The ghost of Southwick arose to confront those who would thus tamper with the "blessed spirit" and mingle with the worshippers of that "Satan's synagogue," the Masonic institution. The coalition was repudiated and denounced.^d

John Crary, the former candidate for lieutenant-governor, came out with a long letter in the Argus addressed to the Antimasons of 1828.^e This was an able document, and no doubt had great influence on the election. He claimed that

^a Weed, Autobiography, I, 413; Hammond, Political History of New York, II, 398.

^b Seward, Autobiography, I, 100.

^c Weed and Matthew L. Davis, the literary executor of Burr, were the men selected. Weed, Autobiography, I, 414. The Jackson men gave the name "Slamese Twin Party" to this coalition.

^d Spencer was evidently very early apprehensive of this feeling. In a letter to Weed, July 13, 1832, he says: "All that I apprehend from it is that our Antimason friends will doubt whether all our electoral candidates will go for Wirt," and advised against a nomination by the National Republicans. In a letter of September 15 he says: "Our Anti-Mason friends stand firm and treat with contempt the cry of coalition. * * * Still, we have judged it expedient to furnish them occasionally with Antimasonic matter." Weed, Autobiography, II, pp. 43, 44. These letters are typical of the spirit of the leaders of the party.

^e Albany Argus, August 14, 1832.

the old Adams party had tried to appropriate the spirit of Antimasonry to itself since the spirit had shown its power in the election of 1828. He said:

It must be obvious that if Antimasonry was right in 1828, it must be wrong now, for it is different both in principle and practice from what it was then. In 1828 the object was the destruction of Freemasonry, now it is the protection of it, for the benefit of all those who will connive at the hypocrisy of the party. In 1828 the Antimasons abandoned their political parties for the cause of Antimasonry * * * now they abandon the cause of Antimasonry for the sake of resuscitating the old Adams party for the benefit of Mr. Clay, and unite with the Masons who are in favor of him. With a view to this object, we have seen the Antimasonic and National Republican journals cease their denunciations against each other and for months past chime in together against General Jackson and the Albany Regency.

This letter was followed by many others of similar nature. The radicals also received much encouragement from Antimasons outside of the State, especially from Massachusetts.^a

One of the most important documents used by the anti-coalition party was the "Appeal of the Antimasons of Columbia County" denouncing Weed and the coalition, and asking the electors to come out and say for whom they would vote. This paper received all the force of Weed's sarcasm and brilliant political wit and was as strongly defended by the Jackson papers and the Radicals.^b It exposed the political methods of the coalitionists in Columbia County, and then said:

At the local elections in almost every part of the State, coalitions as complete and as disgraceful have been formed. In proof of this, we refer to the support of Clay men and those opposed to Antimasonry on the one hand, and to the support of Antimasons by Clay men on the other, in almost every county in the State. We refer you to the counties of Albany, Rensselaer, Sullivan, Schenectady, and many other places. We refer you to the whole six counties composing the third senatorial district, in which the two parties united on a candidate for the Senate. We refer you to the convention in Montgomery County, called by 366 individuals, part of whom are Antimasons and part Clay men, to insure "concert of action among all opposed to the Republican party without regard to their opinions on the subject of Masonry." We refer to a convention of Antimasons and Clay men in Franklin County which appointed delegates to the State convention of both parties, or as it termed them "the divisions of the great political party," which resolved that for the accomplishment of the paramount

^a Letter from Boston Free Press (Antimasonic) in Albany Argus, August 14, 1832.

^b See Albany Argus, September 18, October 4, October 9, 1832. Albany Evening Journal, September 18, 1832.

object * * * all minor considerations should be made to yield, and that no difference not strictly of a political nature, should be allowed to create divisions and dissensions.^a

These statements are in the main true, as shown by those of Weed himself.^b They show that he had done his work well and that Antimasonry pure and simple had become but a shadow. We can say truly that with this election the Whig party was really formed.^c

The attitude of the National Republicans deserves notice. They were naturally delighted at the turn affairs had taken. The Albany Advertiser, which had been credited with carrying the National Republican counties of the interior against Granger in the previous election,^d agreed to support the "ticket on the broad and distinct ground that it was the paramount object of all those who truly love their country to put down and destroy the present shameful and corrupt administration."^e Many of the electors, like Chancellor Kent, were the oldest and strongest men of the party, which fact gave confidence that Clay would receive the electoral vote, and it was indeed understood that the Antimasons had formed the union on the ground that the electors should give their votes for Mr. Clay as an equivalent for the National Republican votes which would be cast for Granger. This seems to have been understood outside of the State, as well as within, and was evidently accepted by the Masons.^f

The election was hotly contested and the parties were highly excited;^g but the Jackson party, with its shibboleth of "Remember the Aristocrats at the Polls,"^h were too strong for the combination, and the "huzza strength,"ⁱ as Weed called it, won by a vote of 13,000 majority for its Presidential candidate.^j Marcy received a majority of nearly 10,000 votes. Granger regained the counties of Washington, Essex, and

^a Albany Argus, October 9, 1832.

^b Weed, Autobiography, I, pp. 413, 414.

^c A curious feature of the contest now showed itself because of the above and similar documents. As Masons had renounced in 1828, we have the papers full of renunciations of Antimasonry in 1832.

^d Pennsylvania Intelligencer, July 5, 1832.

^e Albany Daily Advertiser, August 3, 1832.

^f Albany Argus, August 11, 1832. See extract from Boston Masonic Mirror. See also Albany Argus, August 14, November 3, and Ohio State Journal, August 11, 1832.

^g Hammond, Political History of New York, II, 423.

^h Albany Argus, November 3, 1832.

ⁱ Weed, Autobiography, II, 46.

^j Albany Argus, November 6, 12, 14, 15, December 13, 1832.

Franklin, which had voted for him in 1828. He also gained Madison and Cortland, which had never before voted for him; but he lost Chenango, Cayuga, Seneca, Tompkins, Steuben, and Wayne, which were carried by him in 1830. Chenango, which in 1830 gave him a majority of 1,100, now gave Marcy and Tracy about 40.^a

After the election, both the Antimasons and the National Republicans were generally satisfied with the struggle they had made. The only thing the National Republicans com-

plained of was the outside interference of the Boston Antimasonic press, which they charged with raising "discord by the continued and systematic and obstinate course of misrepresentation."^b There is no doubt that the radical Antimasons,

^a Albany Argus, November 21, 1832. See *Ibid.*, November 11, 1830. Hammond, *Political History of New York*, II, 399. Hammond, II, 424, puts it 200, which is an error. The action in Chenango was doubtless influenced by the changed attitude of the Democrats on the canal question.

^b From New York Commercial Advertiser, quoted in Ohio State Journal, Dec. 1, 1832. There is some evidence of this in Spencer's letter to Weed, of July 13. Weed, *Autobiography*, II, 43.

as well as many former supporters of Granger, turned away from him because of the sharp practice indulged in by the leaders. They had overreached themselves in their strenuous efforts. Antimasonry as a party was doomed, and already it was suggested that a new name be given to the combined parties^a now cemented by a common defeat.^b Indeed Antimasonry was to receive its death blow in New York within a year.

^a Weed, Autobiography, II, 47. Letter of Patterson to Weed.

^b Hammond, Political History of New York, I, 398.

CHAPTER VII.—BIRTH OF THE WHIG PARTY.

The political year of 1833 opened with a triumphant Democratic party, which immediately began to fulfill its pledges. Governor Marcy, in his inaugural message, reviewed the subject of the Chenango Canal and finally indorsed it in the following words: "I commend the proposed work to your favorable notice, with the expression of a strong desire that its merits may be found such as to induce you to authorize its construction."^a Accordingly, after the legislature was organized, a bill for the construction of the canal was introduced into the assembly by the Democrats, with limitations as to the expense, and with but slight limitations in other respects.^b It passed the House on February 1 by a vote of 79 to 40^c and was immediately sent to the Senate. On February 21 it passed that body by a vote of 17 to 10.^d

Mr. Hammond says of this movement by the Democrats:

The reasons assigned by these gentlemen for their change of opinion were quite singular. * * * Several senators of high standing and character, declared in their places that they believed the project ought not to be sanctioned by the State; but as they had no doubt the applicants would persevere until a legislature would be chosen who would grant their request, they thought it their duty to vote for the measure: for if they did not pass the law, their successors would. To illustrate more clearly the rule of action by which these gentlemen profess to have been governed, I will suppose that I am quite sure that Tom Jones will steal your horse to-morrow night: and to prevent such an outrage, I determine to steal the horse this night.^b

The Antimasons had realized long before this that they would be beaten on this question out of which they had made so much political capital. Consequently many of them turned

^a Hammond, Political History of New York, II, 431.

^b Hammond, Political History of New York, II, 425.

^c Hammond, *Ibid.*, Albany Argus, February 2, 1833.

^d Albany Argus, February 21, 1833. Tracy and Seward voted against it.

and voted against the bill and in so doing fell back upon the support of the farmers of the western part of the State. To carry out this policy, Spencer, in a speech on February 1, opposed the bill because of the seventh section, which provided that the expense of the canal should be chargeable upon the canal fund. This, he argued, would prevent, for a time at least, the reduction of the tolls on the Erie Canal, and thus prevent the farmers of the west from competing with the south in the New York market.^a

Spencer's action met with at least a partial support from the Antimasons throughout the State and especially in the western part, where it was felt that the bill as reported was unfair to them. "The construction of the Chenango Canal," says the Rochester Inquirer, "is to be a charge upon the canal fund, and is therefore built by the tolls of the people of the west. We are for the Chenango Canal, but not on such principles. Mr. Spencer and our friends in the House have resisted the measure manfully, but what efforts can meet success against the settled determination of the Regency to pick the pockets of the people of the west? What earthly reason exists why money should not be raised for the object on the credit of the State, as was the case with the Erie Canal? And if the canal revenues are insufficient to meet the loans, let them be met by an equal tax. * * * Why should the farmers of Monroe contribute so vastly more than their proportion to this object? There can be no reason for it founded on justice."^b

The assembly inserted a provision in the bill providing that the surplus moneys belonging to the canal fund should be invested in that stock, but it was rejected by the senate. The Antimasons in general voted for the amendment and claimed it was defeated by the banks because it would "draw from the banks part of that enormous amount now loaned to them, at the very reduced rates of three and a half and four and a half per cent per annum, while they loan out at seven per cent."^c

The question of the canal is fully discussed here because of its great importance in the subsequent history of New York

^a Albany Argus, February 2 and March 8, 1833.

^b Albany Evening Journal, February 8, 1833.

^c Address of the Antimasonic members of the legislature. Albany Evening Journal, May 1, 1833.

politics.^a "It was," says Mr. Hammond, "the commencement of, or entering wedge to, a system of measures, and a policy which have involved the State in a debt, which, for aught I can perceive, will not be exterminated by the present [1852] and I apprehend, many succeeding generations." All agree that the work was absurd, and, as such, stands as a model of what American political parties can selfishly commence and carry through against public interests and for their own trivial triumphs.

The Antimasons confined their attention during this year to advocating the lowering of the tolls upon the Erie Canal. The people of the State directly interested in the canal were greatly dissatisfied because of the numerous competitors which were springing up. "There is scarcely a county between the shores of Lake Erie and the banks of the Hudson," said the Buffalo Patriot, "that has not applied to have its brooks made navigable and its coal beds and clay beds connected with the tide water in public works to be constructed out of the tolls of the Erie Canal. * * * The friends of the railroad on the south and the Oswego and Welland canals on the north will not relax their efforts to share the envied monopoly of the Western trade which we now enjoy."^b

The position of Antimasons on national questions underwent a decided change during the year. In the first place, the shrewd politicians who controlled the policy of the party saw that the election of 1832 was a positive decision against the Bank, and they as a body at length realized, what Weed had seen for some time, that they would lose popularity by supporting it. In the second place, they saw that it would be impossible again to unite on Clay as the leader of a strong tariff policy. The New York Whig puts Clay's position as

^a Political history of New York.

^b Albany Evening Journal, December 4, 1833. This discontent of the west led to the forming of a new party known as the "Liberal Republicans," which nominated Sheldon Smith, of Buffalo, for assembly. Mr. Smith voices the sentiments of the section in the following manner: "That the people of Erie, in common with other portions of the great West, have important and vital interests at stake, at the present time, is a proposition which all must admit. * * * Ever since the death of Clinton * * * a fatal, disastrous policy has been pursued by those who have had charge of the New York canals. * * * It was to be expected that the immensely rich and rapidly increasing trade of the boundless West would produce powerful competitors for its benefits. These competitors already exist on both sides of New York, and have already directed large portions of the trade into other and less natural channels. The return of trade to our State depends entirely on the more discreet management of our canals."—Albany Argus, October 29, 1833.

follows: "The new tariff bill from the hands of Mr. Clay separates him from the most ardent of his friends. It is regarded as a death blow to the tariff. Indeed, Mr. Clay avows it to be so, but he claims this: That the people have willed its death, and that all he could do now, is to make that death slow. He has obtained a nine years' life for the factories, which, without his aid, would have been cut down in two years."^a To avoid the issue thus presented, the Antimasonic members of the legislature in their address of this year to the people declared that "as a body, we are neither for the tariff nor against it. Nor for or against any of the other important projects of the day. We have no connection with them, but individually we act and think in reference to them according to the dictates of our judgments."^b

The attitude of Weed and a few powerful Antimasons toward the Bank had been hostile for some time. Just before the election we find him warning the friends of the institution that if they expected the votes of the Antimasonic members they would be disappointed. After saying that he "hoped that the friends of the Bank will not attempt to renew a desperate and unavailing conflict, * * * the Bank is doomed and nothing can arrest its fate; * * * the veto of the president received the sanction of the people," he said:

Can the Bank hope, under the existing circumstances to obtain a re-charter? Certainly not by fair means; and it were better that a thousand such banks be annihilated than that other means should be brought into conflict with the purity of Congress. * * * The Bank must perish. The Kitchen cabinet and their King, * * * seek to make their opponents the supporters of the Bank. Shall we permit them to occupy this vantage ground? * * * It is absolutely certain that no party however pure, can rise with the U. S. Bank upon its shoulders, and it is equally certain that any party, however profligate, will triumph, if identified with Jackson in his crusade against the Bank.^c

With all these conflicts within the party, success in the election of 1833 was impossible, and the election terminated almost universally in favor of the Democratic party.^d All the senatorial districts but the eighth elected Democratic senators; and in this district (the western), where Antimasonry had its

^a Albany Argus, March 14, 1833.

^b Albany Evening Journal, May 1, 1833.

^c Albany Evening Journal, October 25, 1832. See also Albany Argus, October 27, 1833. Weed, Autobiography, I, 424.

^d Hammond, Political History of New York, II, 145. Albany Argus, November 16, 1833.

stronghold, A. H. Tracy, one of its most popular leaders, was elected by a vote of but 165.^a Out of the 128 members of the assembly elected, 104 were Democrats.^b Even the counties of Orleans, Chautauqua, Allegany, and Monroe gave majorities against the party in the west.^c

The election meant the death of the Antimasonic party and the organization of the Whigs. Weed says:

The election of 1833, demonstrated unmistakably not only that opposition to Masonry as a party in a political aspect had lost its hold upon the public mind, but that its leading object, namely, to awaken and perpetuate a public sentiment against secret societies, had signally failed. The Jackson party was now more powerful than ever in three fourths of the States in the Union. The National Republican party was quite as fatally demoralized as that to which I belonged. This discouraging condition of political affairs * * * resulted in a virtual dissolution of the Antimasonic party. All or nearly all of our leading friends having no affinities of sentiment or sympathy with the Jackson party found themselves at liberty to retire from political action, or unite with the then largely disorganized elements of opposition to the national and State administrations. I had by this time become irreconcilably opposed to the Regency, and fell naturally into association with their opponents. The "Evening Journal" went diligently and zealously to work organizing the elements of opposition throughout the State into what soon became the "Whig party."^d

Many after reading this account will no doubt not entirely agree with Mr. Weed that the leading object of Antimasonry was to awaken and perpetuate a public sentiment against secret societies. At least it does not seem to be entirely true of the last few years of their existence. Even the statements of Mr. Hammond, shrewd and accurate historian as he was, seem naïve in the light of the history of the events here recorded. Nevertheless, his statement of the transition of the Antimasons to the Whigs is of value and contains hints of the nature of the Antimasonic movement in its last stages. In the consideration of this party it is strange that the historians of America have put so much weight upon Antimasonry itself and so little upon its political nature. After what has been put forward in this account, it is well to give Mr. Hammond's ideas,

^a Albany Argus, *ibid.* Hammond, *ibid.*

^b Hammond, *Political History of New York*, II, 435.

^c Albany Argus, November 16, 1833.

^d Weed, *Autobiography*, I, 425. The name Whig was used for the amalgamated party in 1831. Hammond, *Political History of New York*, II, 442; Albany Argus, November 11, 1834.

just and liberal as they are, upon the ending of the old party and the beginning of the new. Says Mr. Hammond:

It is remarkable, that when this attitude and name [Whig] was assumed by the National Republican party, the Antimasonic party instantly disbanded. They seemed as if by magic, in one moment annihilated. That unbending, and as they were called proscribing party, comprising many thousands of electors, among whom were great numbers of men of high character for their talents and standing, and distinguished for their piety and sacred regard to the dictates of conscience, who had repeatedly most solemnly declared, they would never vote for an adhering Mason for any office whatever, in one day, ceased to utter a word against Masonry, assumed the name and title of Whigs, and, as it were, in an instant amalgamated into one mass with the National Republicans, a party composed as well of Masons as of other citizens. This seems to be a high evidence of the community of feeling which existed among the members of the Antimasonic party; and that what is called the discipline of party was, by no means, confined to the Democratic party in the State of New York. It may, however, be said, and it ought to be stated, because it is true, that the institution of Masonry had, in point of fact ceased to exist, and therefore, that the Antimasons had accomplished the object they originally had in view, which was the destruction of Masonry. But then it is equally true, that Masonry was as effectually demolished in November, 1832, as in February, 1834."

In conclusion, it seems upon a careful examination of the subject that we can call the only true Antimasonic party in New York that of Southwick of 1828. The development of the great strength of the party under the name of Antimasonry we must attribute to the able leadership and fertile talents of Weed and his friends, aided by the political conditions of the times, and by many circumstances which will be discussed later on in this work. The spirit of Antimasonry which had found lodgment in the other States which we are to consider was a reflex of that in New York. It is to New York that the other States looked for guidance, for leaders, and to a large extent for political material and methods.

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" Hammond, Political History of New York, II, 399.

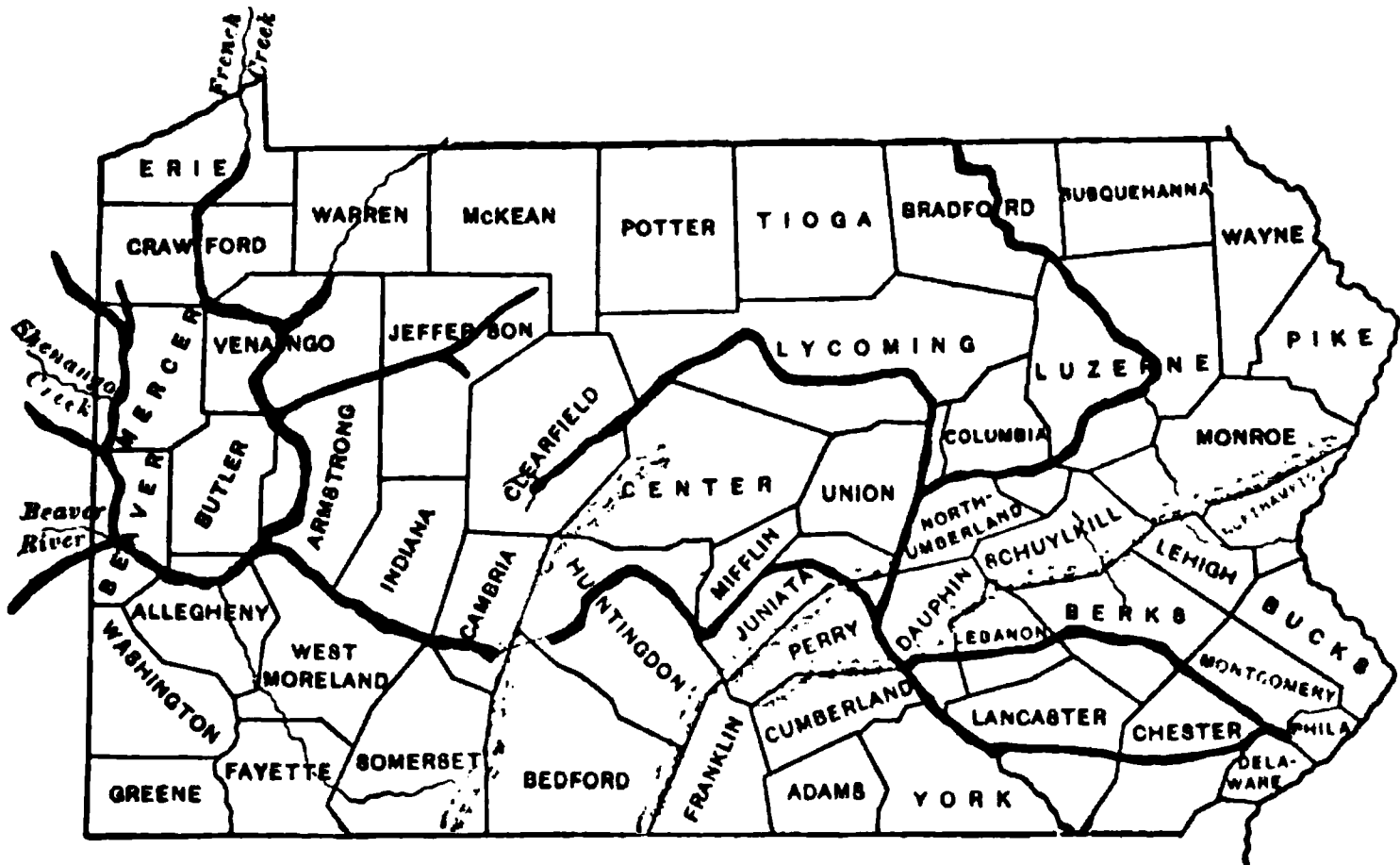
CHAPTER VIII.—THE FORMATION OF THE PARTY IN PENNSYLVANIA.

Upon examining the rise and progress of Antimasonry as a political party in the State of New York, we saw that it started in the western part of the State in the honest spirit of opposition to the Masonic institution which marked the period directly after the murder of William Morgan. It was taken up by the religious sects of that part of the State and became, in fact, a religious crusade. We found also that it was soon brought into the politics of the day in local affairs, and finally, through the skillful maneuvering of tactful and able leaders, was made to unite its cause with the remnants of the faction which had formerly supported the canal policy of De Witt Clinton. It is but natural, then, considering the tremendous excitement of the time, that we should see the same conditions elsewhere producing the same results.

If we turn to the State of Pennsylvania we shall find here, too, the Democratic party triumphant and their opponents nearly blotted out of existence; we shall find a large State with many different physiographic conditions, and consequently different sectional desires and interests; we shall find here, too, a canal and improvement problem like that of New York, but vastly more complicated; we shall find here, too, not only radical religious sects like those of New England affiliations in central New York, but numerous German sects with tenets opposed to oaths, and also the Puritans of Pennsylvania, the stern and radical Scotch-Irish Presbyterians. Considering the soil, it is not remarkable that the seeds of Antimasonry should have spread to Pennsylvania and found lodging in so well prepared a field as that which Lancaster County and the surrounding country presented. In the first place, this region was inhabited chiefly by German sectarians. Among these were the Mennonites, the German Reformed, the Amish, the Dunkards, the Moravians, the Schwenkfelders, the "New Born," the Inspirationists, and many others. Besides these there was a large sprinkling of Quakers, Lutherans, and Presbyterians. Many of these sects had provisions

in their creeds against the taking of oaths." In the second place, it is to be noted that much of this region was physiographically connected with the Baltimore market, and its interests lay to the south along the Susquehanna and not to the west. When the State was spending millions of dollars connecting Philadelphia with the West it can readily be seen that the internal improvement policy of the State would be unpopular in this section. In the third place, the lower tier of counties enjoyed a traffic east and west which the canal to the north would compete with and tend to destroy.

Another section of the State which offered good ground for the "Blessed Spirit," as well as for a new and vigorous political party, was the western tier of counties. In the first



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place, the people who inhabited these counties to the north were mostly of New England stock, allied to their kin of the "infected district" of New York, to which this portion of the territory was physiographically connected; while the people of the center and south were of a peculiarly severe type of Scotch-Irish Presbyterians, and much opposed to oaths and secret societies. In the second place this tier of counties was separated from the east by high mountain ranges. It was the special desire of the people of the West to connect their section of the country with Philadelphia--in other words,

^a The Dunkards, the Quakers, and the Mennonites had such rules. Lehigh, Northampton, and Berks were inhabited, to a large degree, by Lutherans or German Reformed, who had at the time no provisions against taking oaths.

to have another Erie Canal. Pittsburg had already become a busy manufacturing center, and anxiously awaited the opening of the new canal to Philadelphia. The Democratic State administration, however, showed a tendency to procrastinate, and to dawdle away time and money in various branch canals^a and so-called improvements. The indignation of the western people was great, and culminated in a very hostile attitude toward all improvements not directly to their benefit. It can be easily seen that there was ready soil for the Antimasonic movement in Pennsylvania, but it can be easily seen, also, that the thorough organization of a party founded upon such diverse interests was a matter of great difficulty.

According to the Antimasonic accounts, the introduction of Antimasonry into Pennsylvania was attributed to the "visit of a Geneseean to the place of his former residence, and to the *Batavia Advocate* of 1827, which he carried in his pocket."^b Another account considers Whittlesey's activity in sending Antimasonic documents and papers into Pennsylvania as the chief cause of the movement there.^c At any rate, efforts were made to organize the party and establish a paper in the western part of the State as early as 1827,^d and in 1828 Weed's paper was ordered from Allegheny, Somerset, Union, Lancaster, and Chester counties.^e The first really effective act, however, was the establishment of the *Union Telegraph* and the *Antimasonic Herald*, in Lancaster County.^f The first appearance of political Antimasonry occurred in the fall of this year, when the party put forward a candidate for Congress, William Hiester, of Lancaster County, who was defeated by over 1,500 votes. It also put up a slight opposition in the Westmoreland-Indiana district, and also in Somerset, but elected nobody either to Congress or to the State legislature.^g

Antimasonry had little to do with the national election. The only counties giving Adams majorities were Delaware, Bucks, Adams, and Beaver. Jackson's total vote was 101,652, while Adams received 51,569.^h It is a fact worth noting that

^a Report of canal commissioners, December 25, 1827. Shulze's veto message, April 20, 1829, in Hazard, *Register of Pennsylvania*, III.

^b Report on the press in the New York State convention of 1831. *Albany Evening Journal*, March 1, 1831.

^c *Albany Evening Journal*, June 13, 1831.

^d Seward's press report in United States convention at Philadelphia, September 11, 1830.

^e Weed, *Autobiography*, I, 310.

^f *Antimasonic Review*, I, No. 12, 375.

^g *Pennsylvania Reporter* (Democratic), Harrisburg, July 3, 1829.

^h *Pennsylvania Reporter*, Harrisburg, November 11, 1828.

the Adams counties lay in the southeast and in the west. The German counties to the southeast, as a general thing, gave large majorities for Jackson.

In order to trace, step by step, the growth of Antimasonry in Pennsylvania it is necessary to digress somewhat and to describe briefly the State and local issues before the people. The legislative session of the winter of 1828-29 is well worth our study in this connection, as its deliberations show us the sectional feeling then existing.

The southeastern counties of Pennsylvania are some of the richest in the State. With fine fertile limestone valleys bordering on mountains full of minerals and with good water power, their natural outlets were to the south. The high mountain walls to the west and north seemed to preclude the idea of trade and commerce in those directions and the people of this region longed for the improvement of those natural outlets which would be the means of enriching and developing their fair valleys. It is small wonder, then, that they should have little interest in great canal projects then being undertaken and should seek other means of bringing their goods to market.^a A project was therefore introduced into the legislature which in final form aimed to incorporate the Baltimore and Susquehanna Railroad Company, to construct a "railroad from the Maryland line * * * to some eligible and practical point in the Cumberland Valley * * * or to incorporate a Pennsylvania company for that purpose."^b

Preliminary to the above resolution was much debating pro and con. The opposition to the scheme was led by Philadelphia, and was the result of that city's efforts to check the trade to the south and receive it herself. The attitude of the city may be seen by the following remarks:

The people of these counties [southern] acknowledge that they opposed the canal system; their excuse is that they had no interest in it; they were unwilling to extend that to others from which they could derive no advantage, and as interest is the sole ground on which they placed that matter, it is but fair they should be answered with their own arguments. It is not to the interest of the State to permit the construction of the Baltimore Railroad, but obviously against it, and therefore the State is bound not to grant it.^c

It was said in this connection that the proper title of the act should be "An act to vest in the State of Maryland commer-

^a Pennsylvania Reporter, January 23, 1828.

^b Pennsylvania Reporter, February 13, 1829.

^c Pennsylvania Reporter, January 30, 1829, Burden's speech.

cial jurisdiction over one-half the territory of Pennsylvania."^a We are not surprised to learn that the committee to whom the petitions were referred finally reported that the construction of such roads within the borders of Pennsylvania by the Baltimore and Susquehanna Railroad Company would not be in accordance with public policy.^b This matter was to be a bone of contention in the future and a fruitful source of strength to the opponents of the Democratic Administration.

In the session of the legislature, too, the loan for the canal system and improvements was roundly denounced by enemies of the canal and its branches. The size of the loan itself and the manner of securing it were especially attacked.^c The South and Southwest, which had enjoyed a great deal of overland traffic, felt the necessity of keeping the roads in order and of building new ones if they were to compete at all with the canal. They naturally grew indignant at the constant neglect of their interests while millions were being spent on a canal. Many speeches were made and petitions presented in favor of their cause, but they received scant attention.^d

Although this was the year of the gubernatorial contest, yet the Antimasonic spirit remained for a long time dormant and apathetic. Finally, however, a convention assembled at the court-house in Harrisburg on June 25, in which delegates from the counties of Lancaster, Chester, Lehigh, Dauphin, Union, Somerset, Franklin, Erie, Mifflin, Westmoreland, and Indiana appeared. These counties, it may be observed, are in the southeastern, southern, and western parts of the State. The proceedings of the convention were much like the earlier conventions in New York. After the usual stock Antimasonic speeches and resolutions, the convention listened to a lengthy address by Frederick Whittlesey, of the central committee of Rochester, N. Y. No doubt this had much inspiration in it, for the convention nominated for governor Joseph Ritner, of Washington County (in the western part of the State), a man of German parentage, a soldier of the war of 1812, and formerly a speaker of the lower house.^e The Democrats nomi-

^a Pennsylvania Reporter, January 30, 1829.

^b Report of committee on inland navigation and internal improvement, Pennsylvania Reporter, February 17, 1829.

^c Pennsylvania Reporter, April 17, 1829. The loan was to be secured through the Baring Brothers, a proceeding very unpopular in these times of intense Americanism.

^d See Pennsylvania Reporter, April 21, 1829.

^e Pennsylvania Reporter, June 26, July 3, 1829. Albany Argus, July 2, 1829. Lancaster Antimasonic Herald, July 31, 1829.

nated George Wolf, of Northampton County, a Mason, who had been a Representative in Congress for three terms.

The campaign which followed was quiet, and not at all characterized by the excitement which marked the early Antimasonic movements in New York. In fact it was asserted by the Antimasonic leaders that because of the insufficient organization in a great many counties, it was not known generally that there was any opposition to Wolf.^a What little excitement occurred was largely the result of the conversion to Antimasonry of Ner Middleswarth, of Union County, speaker of the lower house, who made the charge that the Masons approached him and assured him that he would be nominated for governor if he would become a Free Mason.^b

The results of the election showed that the people of Pennsylvania were ready for Antimasonry. Ritner polled 49,000 votes and carried the counties of Adams, Bedford, Cambria, Chester, Crawford, Dauphin, Erie, Huntingdon, Indiana, Jefferson, Lancaster, Lebanon, Lycoming, Mercer, Somerset, Union, and Washington, and polled a heavy vote in Berks, Fayette, Greene, Lehigh, Mifflin, Montgomery, and Westmoreland.^c In general, his heaviest vote was in the southern and western parts of the State.^d The Democratic papers conceded 15 members of the house and 1 member of the senate.^e Harmar Denny, an Antimason, was also elected to Congress from the Pittsburg district.^f

The election of 1829 demonstrated the fact that a new and strong party had arisen in Pennsylvania. The leaders had obtained results far beyond their expectations. The remarkable suddenness of its rise can only be attributed to the fact that the elements were all there, and it required but thorough organization to make it a triumphant success.

^a Seward's press report in the Antimasonic national convention, September 11, 1830.

^b Pennsylvania Reporter, August 21, 1829.

^c Pennsylvania Intelligencer, December 14, 1829. Albany Evening Journal, November 11, 1830. Wolf's majority was about 27,000. Albany Argus, November 2, 1829.

^d In the western part of the State, in Westmoreland, Allegheny, Fayette, and Greene, the Antimasonic vote was no doubt reduced by an act of the session of 1828, which provided for the improvement of the Monongahela River from the city of Pittsburg to the Virginia State line. Work had not begun on this, however, at this time. Pennsylvania Reporter, October 9, 1829.

^e From the Bedford-Somerset district. See Pennsylvania Reporter, October 23, 1829. Pennsylvania Intelligencer, November 3, 1829.

^f Pennsylvania Reporter, December 1, 1829. Albany Argus, December 8, 1829. Seward's press report in the Antimasonic Convention, Philadelphia, September 11, 1830.

CHAPTER IX.—A WEAK LEGISLATIVE ORGANIZATION FORMED.

The legislative session of the year 1829–30 was in many ways similar to that of the preceding winter. The election of George Wolf, a strong exponent of internal improvements, was expressive of the desire of the people of Pennsylvania for the completion of the vast system of canals which was in progress. This question involved many local issues and it was obvious that the immense sums required would not be voted by the legislature, except by a system of logrolling. The counties bordering upon the north and west branches of the Susquehanna wanted local improvements in these sections in return for their support of improvements in other quarters or for the main line of the canal. It was thus impossible to put all effort into one great canal from Philadelphia to Pittsburgh, and the consequent result was immense sums of money frittered away upon short lines in every direction. By the report of the committee of ways and means of this year, we find that the State had already contracted loans to the amount of \$8,140,000 for improvements.^a

It is not surprising under these circumstances that a new loan should be unpopular in many sections of the State. A bill was finally passed approving of a loan of \$3,459,532 for the completion of such portions of canals and railroads as were under contract and for the payment of temporary loans. The Juniata division, the most difficult part of the main line, received but \$300,000, with provisions for a portage railroad over the Allegheny Mountains.^b The few Antimasons in the legislature showed as yet little organization and voted with

^a Pennsylvania Reporter, February 28, 1830.

^b Pennsylvania Reporter, February 16, March 19, 1830. Primarily the branch canals were to follow the Susquehanna in order to form an outlet for the coal fields, but recently their advocates had grown more ambitious, and it was urged that the north branch could well connect with the New York system, while the west could be extended to open up the fine lands of northwestern Pennsylvania, and some even thought that it could be extended profitably to Lake Erie.

their sections on the local questions, while on the final vote they were nearly divided. As the opposition came mostly from the strong Antimasonic sections of the State a consideration of this opposition is of the utmost importance.^a

7 The southern portion of the State still clamored for appropriations for turnpike roads. They claimed that their fair share in the general welfare was denied them as the canal did not aid them. The roads were embarrassed with debt and it was claimed that they would have to be abandoned if not soon aided.^b

The controversies over the place of termination of the main canal in the west also caused much debate. Many preferred that the canal should terminate in Erie, while others desired to connect it with the Ohio system. Some favored the extension to the Ohio system by way of the Beaver and Chenango rivers, while others favored French Creek connections to Lake Erie. Those in favor of the Beaver-Shenango line strenuously opposed the appropriations for the French Creek line.^c This is especially significant when we consider the fact that Erie County was one of the strongest Antimasonic counties in the State.

The most significant act, perhaps, of this session, however, from an Antimasonic standpoint, and one which tended to weld the party together, was the bill which was introduced repealing the law to exempt the Masonic hall in Philadelphia from taxation. The debates were violent. The Masons

^aThe Albany Argus speaks of 13 men who gave their votes to Middleswarth for speaker. Albany Argus, November 26, 1829.

^bIn the course of debate upon this subject, Mr. Fetterman, of Bedford, said: "Had Pennsylvania made the leading routes herself and thrown them open free of toll, it would have enabled us to compete successfully with the great National road. When that road was first made, it had nearly depopulated 100 miles of your mountainous territory and ruined your citizens. However, Congress neglected it, and suffered it to go out of repair, and a reaction took place. Last winter Congress made an appropriation of \$400,000 for its repair, and, sir, there are fearful forebodings that it may prove as prejudicial to us as was the first commencement of that road * * * forebodings that may prove too true, unless some measures are adopted for our relief * * * if you will not adopt it, you had better at once strike off the proscribed section to Maryland and let us become a little State of our own." He said further that the route to the north of them had been aided by the laying out of the canal to such an extent "as to enable it to divert from them that business, and in some measure that carrying and traveling which they had formerly enjoyed * * * so that property had been depreciating in value, business had been declining, and their general prosperity was on the wane." Pennsylvania Reporter, February 12, 23, 1830. Members from Westmoreland, Cambria, Fayette, Franklin, and Cumberland spoke to the same effect. Pennsylvania Reporter, February 19, 23, 1830.

^cPennsylvania Reporter, March 5, 26, 1830.

defended their order, and the Antimasons, especially the members from Lancaster, vehemently denounced it. There seemed to be no good reason why the building should not be taxed, and the motion was carried 53 to 31.^a

In order to appoint delegates for the coming national convention, an Antimasonic State convention was held at Harrisburg on February 26. Joseph Ritner was president and delegates appeared from nearly all the counties. An event of the greatest significance to the cause in Pennsylvania was the fact that Thaddeus Stevens, of Adams County, took a seat in the convention. The delegates were appointed and the meeting adjourned without any remarkable results.^b

The campaign of this year caused but little excitement. The Clay men and their Antimasonic supporters attacked the last legislature for its extravagance. It was charged that the "affairs of the State were in an embarrassing and ruinous situation, with an impending load of taxes and a reckless and unattentive set of public servants."^c

The Democrats called upon all who "are opposed to the ruinous system of national appropriations of millions for roads through our neighboring States, when Pennsylvania has had to make her own roads and improvements, * * * all who are in favor of Pennsylvania sharing in the surplus revenue of the United States in order to extinguish our State debt without taxation," to oppose the progress of the Clay party. Jackson was lauded to the people of Pennsylvania as the champion, the protector, and the encourager of domestic manufactures, and the Antimasonic party was denounced as being but an ally of Clay, a party gotten together by ambitious and disappointed politicians.^d

In the election which followed, the Antimasons succeeded in electing, according to Democratic accounts, 6 members to Congress, 4 Senators, and 27 members of the House.^e They

^a Pennsylvania Reporter, February 9, 1830.

^b Pennsylvania Reporter, March 2, 1830. Albany Argus, March 8, 1830. Lancaster Antimasonic Herald, March 12, 1830. Seward's report in the national convention, September 11, 1830, Philadelphia. These accounts all give but the barest outlines of the proceedings.

^c Lancaster Antimasonic Herald, October 1, 1830.

^d Pennsylvania Reporter, October 9, 1830. See also *ibid.*, August 20, 1830.

^e Pennsylvania Reporter, October 13, 17, 22. Albany Argus, October 18, 20, 21, 25, November 25, 1830.

gained in the west, but lost votes in the east, especially in Lebanon and Dauphin. They claimed to have polled 54,000 votes.^a

As in New York we can not attribute all of this success to the Antimasonic movement alone, but a large part of it was due to a combination of all elements of discontent under the guise of Antimasonry. No small share of its success must be laid at the door of the Clay party, which voted in the interior counties with the Antimasons.^b

^a Albany Evening Journal, October 26, November 11, 1830.

^b Albany Evening Journal, October 25, 1830. Lancaster Antimasonic Herald, November 12, 1830.

CHAPTER X.—THE LEGISLATIVE SESSION OF 1830-31 AND THE CANAL QUESTION.

Governor Wolf's message to the session of 1830-31 speaks of internal improvements in the following manner:

On the subject of internal improvements my opinion has ever been in favor of the policy; and, although circumstances have occasionally occurred, calculated to dampen the ardor of its warmest friends, still I feel persuaded that a gradual progressive system of improvements by means of roads and canals such as this State might have prosecuted from time to time, without embarrassing her finances, or endangering her credit, would have been the policy. The great mistake on our part, has been in undertaking too much at once, which has obliged us from year to year since the commencement of our public improvements to borrow and to expend large sums of money, and to incur the payment of a heavy interest, without obtaining from them any adequate return. Although all the works that have been contracted for, have been finished or are in a state rapidly approximating to completion, yet until those in the east shall be so connected with those in the west as to form one entire connected chain of communication between Philadelphia and Pittsburg, the great emporium of the east and west, we can not expect to derive much advantage from them.^a

The above has been quoted fully, not only because of its complete analysis of the problem before the people of the State, but also to show Wolf's policy at this particular time. He was to be constantly criticised in the future for favoring a widely extended and ruinous policy. It is safe to say that had he pursued the policy herein set down, however useless

^a "The connecting link necessary to complete such a line of communication between the east and west, as well as to give value to the works in that direction and render them useful to the people and profitable to the State, are the railroad from Columbia, in the county of Lancaster, to the city of Philadelphia, about 81 miles in extent, 40 miles of which * * * have been nearly completed." [Various other gaps in the line including the Allegheny Portage Railroad are mentioned, after which he goes on to say:] "The aggregate cost of constructing the several links * * * [is] a sum exceeding two million and a half, and may be safely set down at a sum not exceeding three millions of dollars. * * * I submit to the wisdom of the legislature, whether sound policy does not require that the connection mentioned should be formed with as little delay as possible, and whether the best interests of the Commonwealth in this particular are not intimately connected with its speedy completion." Message of Governor Wolf, Pennsylvania Reporter, December 10, 1830. Hazard, Register of Pennsylvania, VI, 388.

it seems to run a canal through such a mountainous country, a great part of the opposition which he met from the counties on the main line would have been turned into support. There is no doubt also that the Democrats would not have lost the support of the thrifty, debt-hating, tax-hating German population to the extent that they did.^a As it was, logrolling proved too much for this policy.

In this session the Antimaçons showed in their vote for speaker that they existed as a party in the legislature and had gained in numbers. Middleswarth, their candidate, received 24 votes to 20 for his opponent.^b On local questions, as a general thing, we may say that they voted with their sections, although on the question of the expenditure of large sums for the branch canals they voted in opposition pretty solidly.

Early in the session the members from the branch canal counties began a fight for their share in the public expenditures, and the claims of the West Branch, the Beaver Creek, and the French Creek divisions were earnestly advocated.^c A bill was introduced, and almost the entire session was taken up with discussing this all-important subject. The friends of the Beaver and the French Creek divisions were fairly successful, as the former received \$100,000, while the latter received \$60,000.^d This was considered as equivalent to the securing of the ultimate extension of the work to Lake Erie and, as we have before noted, through the Antimasonic region of the northwest. The North and the West branches both received liberal appropriations. Indeed, the act was a distinct victory for the branches. On March 21 Governor Wolf signed this bill and returned it to the house. In doing so he restated his former position, but submitted to the will of the majority.^e

Early in the year the Antimaçons throughout the State began to hold local meetings in order to send delegates to the State convention to nominate delegates to the national con-

^aThe Germans, as a whole, supported Jackson in 1828. Albany Evening Journal, October 25, 1831. Pennsylvania Reporter, October 28, 1831.

^bPennsylvania Reporter, December 10, 1830. Niles Register, 39, 276, says 25.

^cHarrisburg Chronicle, January 31, 1831.

^dHarrisburg Chronicle, March 24, 1831.

^ePennsylvania Reporter, March 24, 1831. Hazard, Register of Pennsylvania, 7, 208. He wanted at this time to extend the branch canals only to the coal fields. He seems to have been greatly dissatisfied at the result. It is well to note this as it is in marked contrast with his policy later on.

vention. It is a suggestive and illuminating fact as to the political affiliations of Antimasonry in the State at this time that the delegates to the State convention from many of the counties were instructed to vote for only such delegates to the national convention as were known "to be in favor of nominating * * * for President and Vice-President * * * men who are friendly to a system of protection to the farmer and mechanic, and a liberal system of national internal improvement, and who have no connection with, but, on the contrary, are opposed to the Masonic combination."^a

The State convention met the last of May and, in striking contrast with New York, it was poorly attended and not very enthusiastic. Of 133 members who should have been present, but 64, from 26 counties out of 52, actually attended. The convention condemned Jackson because of his Masonry, advocated an acknowledgment from all judges that they were not Masons, and appointed 28 delegates to attend the national convention at Baltimore. A significant act was a resolution instructing the delegates to the national convention to give no support to Mr. Clay. That statesman, although a Mason, had many friends in the assembly, and a hot debate ensued. The resolution passed only when it was modified by striking out Mr. Clay's name and extending the disqualification of Masonry to any candidate.^b

The Antimasons showed a little spirit in the preparation for the contest of this year. Conventions were held, addresses were made, religious controversies were aroused, renunciations of Masonry were printed, and all the paraphernalia of the party made its appearance. In the words of the Democratic papers: "Antimasonic papers were established through the German sections of the State, Morganic books, almanacs and ridiculous Masonic bugaboo pictures were peddled and distributed without number wherever the people were supposed to be sufficiently credulous to be imposed upon."^c

These efforts had begun to bear fruit in the increasing opposition to the Masons, as evinced in the continual notices of the dissolution of lodges. In dissolving their lodges, the Masons often issued addresses, pleading with dignity innocence

^a Cumberland County meeting, Antimasonic Statesmen, Harrisburg, April 27, 1831.

^b Albany Argus, June 3, 16, 1831. Pennsylvania Reporter, May (31) ?, 1831.

^c Pennsylvania Reporter, October 28, 1831.

of any conspiracy or design upon the public weal, and stating that they dissolved their associations only for the peace of society. In the words of the members of the George Washington Lodge, of Franklin: "We know no duty which requires of us to continue an association when such continuance may distract society and separate those who ought to be friends; nor are we aware of any beneficial results likely to flow from an adherence to the order that will not be more than counterbalanced by the excitement which such an adherence may perpetuate."^a

In lines of national policy it is hard to see any great difference between the principles laid down by the Antimasonic conventions and the strong protective tariff policy advocated in Governor Wolf's last message.^b In fact, upon the leading questions of national polity, it is hard to see any difference between the Pennsylvania Democrats at this time and the followers of Clay.

In the Antimasonic campaign literature of the day, we find very little positive policy advocated on the question of State improvements. The fact was that the party had within its ranks so many conflicting interests that sound political policy compelled them to criticise rather than to put forward any definite plan of their own. This is well illustrated by the following statement from the proceedings of the Dauphin County convention: "Let it not be said that we are opposed to State improvements. No such thing, but we are opposed to placing the improvements of the State in the hands of the incompetent. We are opposed to lavishing the people's money on a band of government favorites; and it is notorious that the State improvement (if it can be so called) is a wicked system, or rather practice of a profligate and profuse favouritism."^c

Wolf was attacked as being the head of the system. It was declared "that a State formerly so happy, is now troubled with a governor who is a Mason and a weak-headed man, by whose corrupt administration, connected with the cooperation of a wicked and wasteful legislature, a debt has accumulated to more than fifteen millions, and yet not a single one of our

^a Albany Evening Journal, December 30, 1831.

^b Governor's message, Pennsylvania Reporter, December 10, 1830. Antimasonic Statesman, July 6, 1831.

^c Antimasonic Statesman, August 7, 1831.

public works is entirely finished for which these millions are appropriated. And as it appears to us probable that Masonic officers, under the protection of the Masonic governor * * * make full use of the opportunity of wasting the money; we feel ourselves entitled to meet their mischievous conduct by uniting ourselves in order to keep these squanderers from * * * all public offices by our suffrages."

The growing unpopularity of the Democratic National Administration, together with the attitude of Wolf, stated above, seems to have exerted a reviving influence upon the dying National Republican party. This is demonstrated by the success of the party in electing members to the lower house from Franklin, Delaware, Butler, Crawford, and other Antimasonic counties.^a

To their reviving hopes, too, we can probably attribute the local divisions and the presence of volunteer candidates to which the Antimasons ascribed their defeat in Adams, Union, Huntingdon, Westmoreland, Dauphin, and York counties.^b The Democratic accounts concede the election of 6 Antimasons and 4 Clay men to the senate and 20 Antimasons and 4 Clay men to the house of representatives.^c The loss to the opposition in the western counties may be attributed to a good extent to the money voted by the legislature for internal improvements in that section, while the most potent factor in its defeat throughout the State was Governor Wolf's policy upon national questions.

^a Pennsylvania Reporter, October 21, 1831. Albany Argus, October 22, 24, 28, 1831.

^b See Albany Evening Journal, October 25, 29, 1831.

^c Pennsylvania Reporter, October 28, 1831.

CHAPTER XI.—THE ELECTION OF 1832 AND THE ANTI-JACKSON MOVEMENT.

The main question of the session of 1831–32, as usual, was the canal question. Governor Wolf in his message gave a short history of the canal and deplored the tendencies toward diffusion and isolation in the application of the appropriations. He indirectly censured the legislature of 1831 for not having stopped this process, but, in almost direct contradiction to these utterances, toward the end of the same message, he mentions favorably the extension of the North Branch Canal and the Pittsburg-Lake Erie connection. The message marks a decided, though not yet fully developed, change in his policy.^a

The canal bill precipitated the usual struggle. Great efforts were made by the members from the counties on the branches to get a share of the appropriations, while Philadelphia, whose interests lay in direct communication, opposed, as usual, all such appropriations. The opposition of Philadelphia was much resented in the country districts, and meetings in which resolutions were passed declaring “utter hostility to all intercourse by sale of our produce, or purchase of merchandise to or from any citizen of Philadelphia,” were matters of everyday occurrence.^b

The act as finally passed provided that the railroad between the Susquehanna and Philadelphia should be completed, and

^a Message, December, 1831. Hazard, Register of Pennsylvania, VIII, 385. The canal system in 1831 embraced a canal and railroad from Philadelphia to Pittsburg, a distance of 393 miles; a canal and slack-water route from Clarks Ferry, on the Susquehanna River at the mouth of the Juniata, to the head of the Wyoming Valley, upon the North Branch, 112 miles; a canal and slack-water route from Northumberland up to the West Branch at Bald Eagle, 68 miles; and a canal from the Delaware tidewater to Easton; in all, a distance of 700 miles of improvement, besides the projected works upon the Beaver Creek and French Creek divisions.—Pennsylvania Reporter, August 3, 1832; Albany Evening Journal, December 27, 1832.

^b Reports of meetings held at Williamsport, Lycoming County, and Wilkesbarre, Luzerne County.—Pennsylvania Telegraph (Antimasonic), March 24, 1832.

also the main canal between the terminus of the railroad at Columbia and the point of junction with the division of the same canal at Middletown, in the county of Dauphin. The completion of the portage railroad over the Alleghenies and the Franklin line of the Juniata division, also on the main line, were provided for. The appropriation for the Beaver Canal, after a long struggle, was finally struck out.^a On the whole, the bill can be called a victory for the Philadelphia party combined with the German anti-improvement elements. Governor Wolf, on returning the bill with his signature, March 30, 1832, remarked:

I trust * * * the representatives now assembled, will separate until justice shall, at least, have been so far done as to relieve the people of the North and West branches of the Susquehanna, and those on the Beaver and French creeks, along which extensive public improvements have been commenced, from the ruinous and deplorable condition in which the legislature of this State, should it stop at the point where the present bill leaves it, will have placed them.^b

Governor Wolf was thus forced into a policy of wide extension by an honest desire to protect the work already done. We have seen, however, that in his message of 1831 he had shown a change of policy in this direction. There is a possibility that he foresaw the united opposition of the year 1832—an opposition which was soon to become the basis of a strong political unity. Wolf goes on record from this on as decidedly favoring a widespread and diffuse system of internal improvements, a policy which he gradually upheld more and more as he found that his chief support came directly from it.

Another thing which was much discussed in this session was the repeal of the direct tax which had gone into operation on October 1. This tax was unpopular throughout the State, and especially in the conservative German anti-canal counties. An amendment to the canal bill was offered on March 8, proposing to repeal this tax, but was defeated, 76 to 22. It speaks little for the organization and tact of the Antimasonic leaders that five Antimasons voted against the repeal.^c

The party later used this bill against the administration, but those five relentless votes always stood forth to belie their

^a Pennsylvania Reporter, March 30, 1832.

^b Pennsylvania Reporter, April 3, 1832; Hazard, Register of Pennsylvania, IX, 221.

^c Pennsylvania Telegraph (Antimasonic), March 10, 1832; also, Ibid., September 28, 1831, and September 19, 1832; Pennsylvania Reporter, September 14, 1832.

statements. Indeed, in striking contrast with New York, the party shows a remarkable lack of able leaders. Throughout the year they show but little organization. The reason for this can be easily seen when the interests of such strong Antimasonic regions as Erie and Lancaster are compared. As a general thing we find them, however, voting for the main line of canals against the branches.^a Other elements of organization can be found in the contest over the election of speaker,^b and also in the fact that Richard Rush received their undivided support for United States Senator.^c

The Antimasonic State convention which met on February 22, at Harrisburg, nominated Ritner for governor and indorsed Wirt and Ellmaker as national candidates of the party. They condemned the State administration, and made the charge that under the leadership of Wolf, a Mason, the government was under Masonic influence. It was declared that "Masonry encourages in the business and intercourse of life preferences for its own members, destruction of fair competition, and is deeply prejudicial to the industry of others. It creates in favor of Masons a monopoly of public offices and public honors injurious to the services of the Republic, and a fraudulent invasion of the constitutional rights of the rest of the community."^d

The recent utterances of Wolf on the internal improvement question, together with a growing opposition to Jackson because of his known policy on the bank question and his suspected hostility to the protective tariff, made the nucleus of a party of anti-Wolf-anti-Jackson Democrats, whose chief leader was ex-Governor Schulze. This party, on January 9, met at Harrisburg and nominated Schulze for governor, made an electoral ticket, and appointed delegates to the Baltimore convention.^e Governor Schulze's declination finally broke up the movement, important only in showing the drift of political sentiment. After he declined, however, he published a letter

^a Pennsylvania Telegraph, May 7, 1832.

^b Pennsylvania Reporter, December 9, 1831.

^c Pennsylvania Reporter, December 16, 1831. Rush, whose home was in York County, had become popular among the Antimasons because of his stirring letters on Freemasonry.

^d Proceedings of the convention. Pennsylvania Telegraph, February 25, 1832. Albany Evening Journal, February 29, 1832.

^e Albany Evening Journal, January 16, February 29, 1832. Niles's Register, XLII, 274. Niles says: "Governor Schulze while in office took an obstinate stand against extravagant expenditures for improvements." Niles's Register, January 8, 1832.

which served as good campaign literature to opponents of the party in power. In this letter he stated the change in his sentiments and acknowledged that the course pursued by General Jackson since his elevation to the Presidency had compelled him "to come to the conclusion that neither his education, his acquirements, or his previous habits, have, in anywise, fitted him for the station to which he now, after experience, and in violation of his pledge, desires to be elected."^a

The regular Democratic convention, which met in March, nominated Wolf for governor and ratified Jackson's nomination. As somebody must be made a scapegoat for Jackson's unpopular policy in Pennsylvania, William Wilkins was nominated for Vice-President instead of Van Buren. The position of the Democratic party in Pennsylvania may be seen in the resolution which passed the House of Representatives unanimously on June 1 in favor of the tariff and signifying its approval of the Bank in the following words: "And be it further resolved by the authority aforesaid that connected as the prosperity of agriculture and manufactures are with the successful financial operations and sound currency of the country, we view the speedy rechartering of the Bank of the United States as of vital importance to the public welfare."^b These resolutions were in the main approved by Wolf,^c and the "heads of the departments drank toasts on July 4, strongly and unequivocally supporting the same sentiments."^d

The Clay men were jubilant over this turn of affairs and many of them urged the support of Wolf. They said:

Here then are Gov. Wolf's opinions on the subject of the United States Bank * * * in part on the American system, and what National Republican can desire anything better? Has any man seen anything from Governor Wolf's pen or heard anything from his tongue that contradicts these sentiments? We have never seen or heard anything of the kind. * * * If Wolf should be chosen, the National Republicans taking no special part against him, his party leaders, knowing they are liked at Washington little better than they like Jackson and his course, would they not relax their efforts and let the electoral election take care of itself, leaving the ground to us and the Antimasons, and a great many of their party throwing in for our ticket a silent vote? ^e We are in favor

^a Ohio State Journal, November 2, 1832.

^b Albany Evening Journal, June 8, 1832.

^c He added the word "judicious" to the tariff resolution.

^d Pennsylvania Telegraph, August 9, 1832.

^e Harrisburg Gazette (Clay), September 11, 1832.

of George Wolf because the same principles that led us to come out in opposition to General Jackson and in favor of Henry Clay and John Sergeant induce us to support George Wolf. *—*

However, after the veto of the United States Bank (July 10), Wolf did not break with Jackson, but accepted the inevitable result. In spite of the tenor of the above quotations, there is little doubt that he lost the support of a great part of the National Republicans, who thought that had he been persistent enough in his policy the Bank would have been saved.^b

The Clay convention which had been held on May 5 had not nominated a governor, but had adopted an electoral ticket, which, foreseeing coming complications, it had left under the power of the State committee. The latter publicly stated that they preferred Wolf to Ritner, but, having awaited for some time his renunciation of Jackson, and finding on the contrary that he was about to support him, they urged the support of Ritner. They promised not only the support of the body at large, but also of the Masons, because, they said, "Masons will not stand by and see Gen. Jackson elected and the Constitution prostrated without exerting every nerve in their power to prevent so great an evil. Masonry has thus become not the principle but the collateral and subordinate consideration."^c

Their next move was to appoint a convention for October 15, with the proviso that "if it shall then appear that we can not elect our own electoral ticket, and that by supporting it, we shall render the success of the Jackson ticket probable, we are prepared to abandon it."^d We may truly say that the Whig party of the future in Pennsylvania had now been born. As we have seen, the difficulties were not over with, however. The committee acknowledged that their sentiments were not universal throughout the State.

Although Wolf had turned about, Ritner, on the other hand, met the issue squarely. In a letter written July 7, 1832, he said:

No consideration should induce Congress to adjourn before that question the Bank is finally disposed of. It is impossible to forget the deplorable

^a See *Register*, N. Y., Oct. 1872, 1882. Quoted on from *The Patriot and Shield*. See also *Register*, N. Y., Nov. 1872, 1882.

^b *Register*, N. Y., Jan. 1833, 1834, 1835, 1836, 1837.

^c *Register*, N. Y., Jan. 1833, 1834, 1835, 1836, 1837.

^d *Register*, N. Y., Jan. 1833, 1834, 1835, 1836, 1837.

^e *Register*, N. Y., Jan. 1833, 1834, 1835, 1836, 1837.

condition of the Government during the late war for want of such a Bank, and the wretched state of the currency up to the time the Bank commenced operations was no less so. I can scarcely persuade myself that the man who can oppose rechartering the Bank, with all these facts staring him in the face, possesses either a sound head, or a good heart.^a

His attitude upon the canal question is not so clear. As has been pointed out, it was caused by the conflicting interests of his supporters. We have no words of his own upon this subject, except the vague generalization that he was opposed to enormous expenditures. He was thought to be on the whole in favor of expending the State money on the main line. The Democrats put his position as follows:

Joseph Ritner, after voting for canals and railroads which have involved the State in all her difficulties and her present taxes, is now supported as the anticanal candidate in the anticanal counties where his friends pledge him to sacrifice all the money expended and put a stop to all future appropriations to complete the work commenced by his own votes; and in the canal districts, his friends support him as a friend to the whole system, branches and all.^b

If we turn to the Antimasonic newspapers, we find all kinds of conflicting and obscure statements. The Pennsylvania Telegraph contents itself with saying that his "views on this subject [canals] are too well known to create any alarm. The journals of the House while he was a member * * * disclose his views upon the canal system." It repudiates indignantly the idea that he was not a friend to the system.^c The Lancaster Antimasonic Herald, on the other hand, makes him emphatically opposed to the system.^d In a later edition the Telegraph changes around enough to condemn Wolf for approving of the appropriations for the Beaver and Shenango route in the session of 1831,^e while the Beaver Argus, another Antimasonic paper, advocated the election of Ritner "because he voted on the ninth of April, 1827, for a survey of the Beaver and Shenango route of canal, and because, as he says, Gov. Wolf is opposed to the Beaver and Shenango route."^f

All this shows how very hard it was to unite the opposition

^a Pennsylvania Reporter, June 19, 1835.

^b Pennsylvania Reporter, October 5, 1832.

^c Pennsylvania Telegraph, May 2, 1832.

^d Lancaster Antimasonic Herald, August 28, 1832.

^e Pennsylvania Telegraph, September 5, 1832. Pennsylvania Reporter, September 7, 1832.

^f Quoted from Beaver Argus, September 1, in Pennsylvania Reporter, September 7, 1832.

upon this one vital question. A few more examples will show more fully the sectional nature of the contest.

The Eastern Germans being naturally a conservative people and particularly opposed to heavy taxes, it was natural that the anticanal element should appeal to their prejudices. It was charged by the Democrats (and there appears Antimasonic evidence to sustain the charge) that Ritner and his followers excited the fears of these people by disparaging the value of the improvements, and also by "insinuating that the opening of the trade with the Western country would bring such a flood of Western produce to the Eastern market as would reduce the price and consequently the value of the property in that section."^a

In the West, especially around Pittsburg, the Democrats were urged to abandon Jackson for three reasons: First, because of local manufacturing interests; second, because of the supposed effect on business of the veto of the Bank; and third, because of his veto of a bill for the improvement of the Monongahela River.^b Ritner was lauded as the only man who would bring about direct communication with the East.^c The effect was immediately apparent; a great meeting was held in August in this section in favor of Ritner, and the Democrats admitted a large secession of former Jackson men.^d

In the northwestern part of the State the Wolf advocates strove to overcome the strong Antimasonic spirit by telling the people that "the only hope of seeing a completion of the canal to this region rests in the re-election of Gen. Wolf,"^e while along the branches they added considerable to their strength through a forged letter bearing the name of Ritner, which stated that if elected he would oppose the extension of the work in this direction. Ritner corrected this, but not until it had done its work.^f

Besides the issues presented above, the Antimasons, doubtless imitating their brethern of New York, appealed to the popular prejudices of the day. An instance of how the

^a Pennsylvania Reporter, July 3, 1835. See, also, Lancaster Antimasonic Herald, August 21, 1832.

^b Pennsylvania Intelligencer, September 27, 1832.

^c Pittsburg Gazette, August 3, 1832.

^d Pennsylvania Reporter, September 21, 1832.

^e From Erie Observer, in Pennsylvania Reporter, August 10, 1832.

^f See letter with Ritner's remarks, Albany Evening Journal, November 6, 1832.

intense democracy and patriotism of the day was used for this purpose may be seen from the following extract:

The administration have not, and dare not deny that the state debt is not only held in Great Britain but by British nobility. For the information of the people we reassert the fact, that his Royal Highness, Charles, Duke of Brunswick, nephew of William the Fourth, ~~the~~ King of the United Kingdom of Great Britain and Ireland, owns nearly, or about one million of the state debt and that the citizens of Pennsylvania must pay annually to his Royal Highness about fifty thousand dollars, as a tribute for interest.^a

The temperance movement, then growing in power, was treated in a similar manner. Governor Wolf had recommended in a message that the use of whisky should be forbidden to laborers on the public works.^b This action tended to make him popular with the temperance advocates, and was widely published by his supporters.^c Unfortunately for his cause, however, the good effects of his action were lost by the licensing of the oyster cellars of Philadelphia with his approval. The Antimasons charged him with being in favor of "any scheme that promises him popularity, as is proved by his professing himself the friend of temperance, and licensing a thousand grogshops, that he may gain the votes of Philadelphia."^d

The election was close. Wolf received 91,235 and Ritner 88,186 votes.^e The Democratic papers state that 15 Democrats,

^a Pennsylvania Telegraph, September 26, 1832. See also, for similar remarks, Lancaster Antimasonic Herald, August 21, 1832; Pennsylvanian, October 12; Albany Argus, October 24, 1832.

^b Harrisburg Chronicle, April 4, 1832.

^c Temperance conventions were being held at this period throughout the State. (Harrisburg Chronicle, February 7, 1831.)

^d Pennsylvania Telegraph, March 31, 1832. See also *ibid.*, March 3, August 1, September 19, 1832.

The fact that Ritner was a farmer and Wolf a lawyer was made the most of. Ritner was described as the "real and practical plowman * * * the Pennsylvania farmer whose good husbandry, assisted by competent, intelligent, and industrious workmen * * * would put our good old farm into order by repairing the fences, clearing out the ditches, draining the meadows, driving the cows out of the corn and destroying the Wolves and Foxes that have too long run riot among our flocks and hen-roosts." (Pennsylvania Whig, quoted in Albany Evening Journal, May 7, 1832.) See also, for similar expressions and criticisms, Pennsylvania Telegraph, March 31, August 1, September 19, 26, 1832. The Telegraph at this time was edited by an artist in scurrility, Theophilus Fenn, who is described by the Democrats as a "Yankee adventurer." He was originally editor of the Lancaster Antimasonic Herald. He was constantly in trouble, and was at one time forbidden the floor of the House.

^e Albany Argus, October 24, 1832. See also *ibid.*, October 12 and 13; Pennsylvania Reporter, October 19, 1832.

8 Antimasons, and 5 Clay men were elected to Congress; to the State senate, 21 Democrats, 9 Antimasons, and 2 Clay men; while to the house, composed of 100 members, 82 Antimasons were chosen.^a In general the Ritner strength was in the southeast and south and in the western tier of counties.^b

The defeat was a great blow to both the National Republicans and the Antimasons. The general cause ascribed was that "in the canal districts the people were apprehensive that Ritner would not finish the Branch canals."^c Other causes also

Vote for governor of Pennsylvania, 1832. (Philadelphia city for Ritner but the county was carried by Wolf.)

were sought. It was thought that the Government officials exerted an undue influence, and that in the canal counties the

^a See *Pennsylvania Reporter*, October 19, 1832. *Hazard, Register of Pennsylvania*, X, 265, says 4 Antimasons were elected to Congress, 8 to the senate, and 34 to the lower house.

^b He carried the city of Philadelphia, and Delaware, Chester, Lancaster, York, Union, Franklin, Dauphin, Lebanon, Huntingdon, Allegheny, Indiana, Beaver, Mercer, Washington, Mifflin, Juniata, Adams, Lehigh, Erie, Somerset, and Green counties, while very large votes for him were cast in Philadelphia County, Montgomery, and Butler. The Democrats assigned this great increase to the "discontent with Gov. Wolf in consequence of the great expenses incurred by the extensive system of improvements and the taxes levied." (*Pennsylvanian*, in *Albany Argus*, October 15, 1832.) They also asserted that "in the German counties the enemy electioneered their tickets 'Jackson, Ritner, and no Taxation,' and carried thousands with them on this deceptive representation." (*American Sentinel*, October 16, *Albany Argus*, October 16, 1832.) In Philadelphia, Ritner obtained a majority of 1,379, which was ascribed to the existence of the Bank in that city. (*Albany Argus*, October 12, 1832; *Poulson's Advertiser*, October 10, 1832.) In 1829 Ritner received but 546 votes to Wolf's 11,393 in the city (*Albany Argus*, October 20, 1829), while in 1830 but 70 Antimasonic vote were cast there. (*Albany Argus*, October 18, 1830.)

^c *Albany Evening Journal*, October 16, 1832.

engineers distributed forged letters, and, as in "Cambria County, circulated handbills accusing Ritner of deism."^a

The Clay papers laid the blame on the Antimasons entirely, accusing them of deserting the ticket in large numbers. The attitude of the radical Antimasons also displeased them, as they believed they (the Antimasons) turned away many Masons who would otherwise have voted for the ticket. "The bitterness displayed by Richard Rush in his occasional effusions," it was said, "was calculated to disgust the friends of Mr. Clay wherever they have been circulated."^b

Both sides began to prepare immediately for the coming national election. The opposition saw that their only hope rested in the most perfect union and organization, and everything was done with a view to this end. The National Republican convention met in accordance with the call of the State committee at Harrisburg on October 16, and adopted the following resolutions:

Resolved, That to preserve the Constitution of our beloved country and to enable the Anti-Jackson party of Pennsylvania to present an undivided front in the approaching election, this convention resolves to withdraw the electoral ticket adopted at their session in May last.

Resolved, That this convention adopt the electoral ticket formed by the Anti-Jackson convention which assembled at Harrisburg on the anniversary of the birthday of Washington, in February last, and earnestly recommend that ticket to the support of the National Republican party.^c

As to whether this ticket was pledged to vote for Wirt or not it is hard to say. It was probably not, for in response to the demand for the pledges the Pennsylvania Telegraph attempted to produce them, but published only four dubious statements. One of these, from a Philadelphia elector, will serve as an example. After pledging himself, the gentleman said:

But you will readily conceive that there may, before the election, be such a change of circumstances that the public interest would require a change of electors, and such too as would be appointed by the Antimasonic convention were they in session.^d

We have, then, here an arrangement similar to that in New York. There is every reason to think that had Clay had a

^a Pennsylvania Telegraph, October 15 (?), 1832.

^b Columbian Sentinel, Boston, November 9, 1832.

^c Pennsylvania Intelligencer, October 18, 1832; Albany Evening Journal, October 23, 1832.

^d Pennsylvania Telegraph, March 28, 1832.

chance of success this ticket would have been thrown for him.^a

Desperate efforts were made to bring in the wavering German vote for Wirt. From the first they had been flattered with the idea that they were to vote for a German ticket. Said the Telegraph:

The Antimasonic ticket for the office of president and vice-president of the United States, is the first ticket composed of German descendants that was ever presented to the United States, and it would be a libel upon the national character of the German population of the state to suppose that when they are presented with candidates from the descendants of their own countrymen, possessing as they preeminently do * * * the avowed determination to support the "supremacy of the law,"^b that they will abandon them. * * * The German patriotism that fills the heart of the freemen of this state will triumphantly sustain these men in November next.^c

Although every effort was made to hold them --

The German Antimasons * * * deserted their own electoral nominations in a body, and went to the polls hurrahing for "Sheneral Shackson," as in 1824 and 1828.^d

Jackson polled 90,983 votes to 66,716 for his opponents. The coalition carried only Adams, Beaver, Bucks, Chester, Delaware, Erie, Franklin, Lancaster, and Philadelphia city, while it polled a large vote in Montgomery, Allegheny, Dauphin, and Huntingdon.^e

The Antimasons ascribed their defeat to the "all-pervading popularity of Jackson,"^f together with the fact that the contest between the Antimasonic and Clay parties had been carried on in many sections to a very late hour, so that "when the Clay ticket was withdrawn sufficient time did not remain to explain the object and effect of the withdrawal."^g They also charged desertion of the ticket by the Clay Masons,^h but, on the other hand, there is no doubt that many Antimasons

^a Many prominent Antimasons seem to have believed that the ticket was pledged to Wirt. The members of the committee of superintendence of Philadelphia evidently thought this was the case, although there seems to be no positive proof of such a pledge. See *American Sentinel*, quoted in *Albany Argus*, October 25, 1832.

^b A phrase used by Wirt in his acceptance speech.

^c *Pennsylvania Telegraph*, August 1, 1832.

^d *New York Commercial Advertiser*, quoted in *Ohio State Journal*, December 1, 1832.

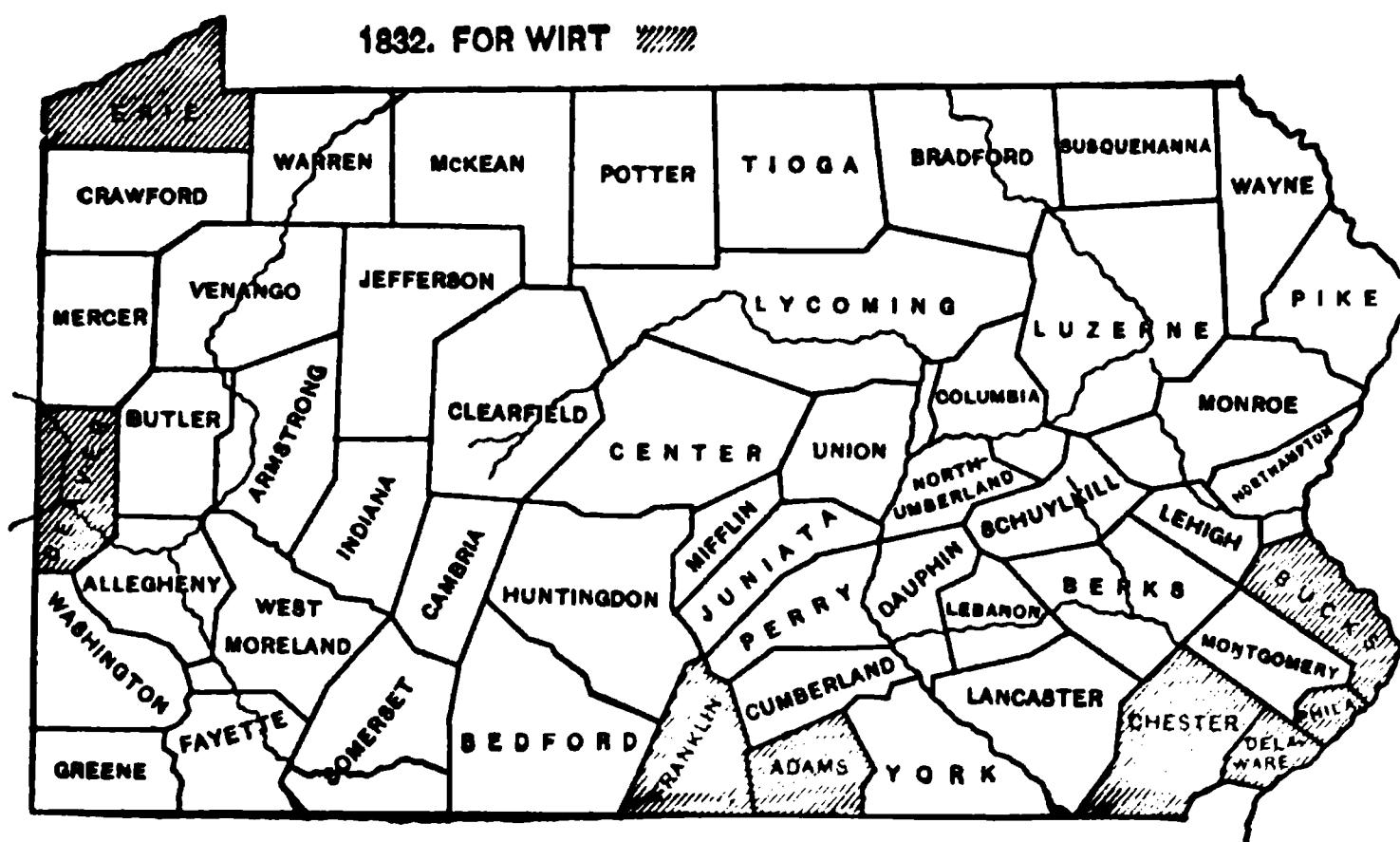
^e *Albany Argus*, November 27, 1832; *Columbian Sentinel*, Boston, November 26, 1832.

^f *Pennsylvania Telegraph*, November 21, 1832.

^g *Pennsylvania Telegraph*, November 14, 1832.

voted for Jackson because they thought the ticket would vote for Clay anyway if elected. The Pittsburgh Gazette said:

In Allegheny County many Antimasons who had been Jacksonites were alarmed, and became suspicious that the Antimasonic electoral ticket would, if elected, vote for Henry Clay, * * * and even some of the Clay men, with more zeal than discretion, propagated the same opinion. * * * Under these circumstances * * * many who had not yet overcome the strong prejudices which they had against Mr. Clay, concluded that, if they must vote for a Mason they would prefer Gen. Jackson or not vote at all.^a



As in New York many sincere Antimasons became disgusted at the political juggling going on, and the leaders found to their sorrow that they had overshot the mark in their efforts for success.

The Clay papers ascribed the defeat to a letter written by Richard Rush to a man in Boston, who published it, so that it was received in Pennsylvania just before the election. The letter contained many of Rush's most radical views upon Masonry. "From the moment we saw that letter," said the *Columbian Sentinel*, "our confidence in the vote of Pennsylvania was destroyed. If people will cut their own throats, there is no helping it."^b "In the city of Philadelphia," said another account, "the letter was disregarded, but in York

^aPittsburg Gazette (Antimasonic), quoted in Pennsylvania Telegraph, November 14, 1832.

^bColumbian Sentinel, Boston, November 26, 1832.

County—the residence of Mr. Rush, and elsewhere—the National Republicans were equally enraged and disgusted at the letter, and in York they refused to vote at all, or, in the moment of indignation, threw their votes for Jackson.”^a

It is very evident from the above that the charge made by the Antimasons that the Clay men had deserted them was not wholly unfounded. Here, again, is evidence of similar phenomena to those in New York State, although on the whole we can say that there was less organization than in that State. A little comparison of votes in this connection will make clear the situation in Pennsylvania. By the returns it is evident that although Jackson had a majority of 24,267 and Wolf 3,049, yet, as the Democratic papers point out, Wolf had 91,235 votes to Jackson’s 90,983. Ritner’s large vote was occasioned by the strong support he received in the eastern anti-improvement counties. Berks gave Jackson a majority of 3,322 votes, yet Wolf’s majority was but 323. In Lebanon Jackson’s majority was 212, yet Ritner beat Wolf in this county 904 votes; and in Union Ritner’s majority was 1,110, whereas Jackson beat the Antimasonic candidate for President by 193 votes. These counties were all anti-improvement, German counties. On the other hand, it is probable that Wolf, because of his previous National Republican policy, received some votes that were also thrown for Clay.^b

Antimasonry had received a blow from which it took a long while to recover. It did not die out, as in New York, but lingered on to suddenly burst into strength again when the opposition to Jackson had grown strong. The next period we are to consider presents to us at first a receding of the movement. It seemed for a moment as if the storm had spent its force, but it was soon lashed into a fury again through the genius of one of the greatest fanatical leaders the country has ever produced—Thaddeus Stevens. Antimasonry in Pennsylvania, unlike that in New York, had needed a leader; it now received a mighty one.

^a New York Commercial Advertiser (Clay), quoted in Ohio State Journal (Clay), December, 1, 1832.

^b See very good summing up of conditions in Pennsylvania Reporter, June 19, 1835.

CHAPTER XII.—A PERIOD OF DECLINE.

The legislative session and in fact the whole political year 1832-33 presents little of an instructive or interesting nature. The opposition being demoralized showed little spirit and there was none of the fierce controversy and sectional bitterness of the preceding year. Wolf, taking his reelection as the voice of the people, continued his former canal policy without opposition,^a and in general the Democrats did what they pleased. They were aided in many of their plans by the National Republicans who felt bitter toward the Antimasons for their desertion of the national electoral ticket. This was evident upon the organization of the house in the election of speaker and of State printer.^b

A long struggle took place in this session over the election of United States Senator. The three principal candidates were Richard Rush, McKean, and Sergeant. An attempt was made to unite the Clay and Antimasonic votes upon Sergeant, but the plan was blocked by the friends of Rush.^c The hostility of the Antimasons was no doubt the result of the ill will the parties bore each other. McKean was a strong candidate because of his opposition to the constitutional convention and to Van Buren and because of his support of the United States Bank.^d The contest took up much of the session, and many ballotings were held without result.^e

^a Message, Hazard, Register of Pennsylvania, IX, 221.

^b Pennsylvania Intelligencer, December 10, 1832. Pennsylvania Reporter, December 6, 7, 1832. A National Republican, Anderson, of Delaware, was elected speaker of the house, and Francis Shunk, a Jackson man, was elected clerk.

^c Lancaster Antimasonic Herald, November 22, 1832. Pennsylvania Reporter, November 30, 1832.

It was urged by the Antimasonic papers supporting Rush that "although Sergeant is not a mason, yet he is one of the bitterest foes our principles can meet with and consequently they [the legislature] had as well directly vote for a mason as a man of the above class. We have nothing to do as a party but to look to our principles let the consequences be as they may." York Antimasonic Republican, quoted in Pennsylvania Reporter, December 18, 1832.

^d Niles Register, XLIII, 274. Pennsylvania Reporter, October 18, 1832.

^e Pennsylvania Reporter, December 18, 1832. Albany Evening Journal, December 27, 1832. On the seventeenth trial the vote stood McKean 50, Rush 18, Sergeant 2. It was decided the next session. The Antimasons deserted Rush because of the fact that he wrote a letter sustaining the President in the removal of the deposits. Pennsylvania Intelligencer, December 9, 1833. McKean was elected. Niles Register, XLV, 294.

The Antimasonic convention was held on March 11, 1833. It was of little political significance except in so far as it was a rally and a reassertion of the fundamental principles. Speeches were made lauding the struggle under the discouragements of the past and praising particularly the work of the convention of 1829, "which amid discouragements, and under the taunts of Masonic devotees, firmly led the way as a faithful pioneer in the cause of equal rights and unshackled republicanism."^a

There is nothing in the meager accounts of this convention that would lead us to suppose that the organization of the party in Pennsylvania had reached that state of affairs that it did in New York where true Antimasonry was forgotten. In fact, the whole course of the party in Pennsylvania may be said to have been a great deal less inconsistent and more true and honest in purpose.

The most significant fact of the year, and perhaps in the history of Antimasonry in Pennsylvania, was the election of Thaddeus Stevens as representative from Adams County.^b

The election this year, as might be expected, did not show the union of forces of the previous election, the National Republicans, especially in the West, supporting their own candidates.^c The campaign, according to the Democratic accounts, resulted in the election of 23 Antimasons to the lower house and 10 National Republicans and 7 Antimasons to the senate.^d It is apparent that the party did not lose a great deal in spite of its disorganization. Their losses they charged to the hostility of the National Republicans.^e

^a Lancaster Examiner, quoted in Albany Evening Journal, March 13, 1833.

^b This great leader is described by his enemies at this time as a "lawyer of much cunning and adroitness, and of considerable celebrity. He was originally an Eastern man, and has been all his life an uniform and undeviating Federalist, a warm friend of John Q. Adams and as violent an opponent of General Jackson. He is now the great luminary of Antimasonry in Adams County, within whose orbit all the lesser planets of the new system revolve and reflect the light he dispenses." Pennsylvania Reporter, March 23, 1830.

^c Niles Register, XLV, 160.

^d Pennsylvania Reporter, October 18, 1833. For other election returns, see Albany Evening Journal, October 16, 19, 1833. Pennsylvanian, October 16, 1833.

^e Albany Evening Journal, quoted in Albany Argus, October 25, 1833.

CHAPTER XIII.—THE BANK QUESTION AND THE REORGANIZATION OF ANTI-JACKSON FORCES.

The period which we are now to consider shows us many radical changes in the policy of the Antimasonic party. The first thing noticeable is in the election of speaker in the lower house. On the first ballot the Antimasons voted as a body for John Strohm, one of their own number, giving him 21 votes. On the second ballot, however, we find them uniting with the Clay party on Patterson, of Washington, and electing him by a vote of 53 to 41.^a

This marks the beginning of an alliance which was to last as long as Antimasonry was a party of strength in Pennsylvania. On the other hand, the Democratic party exhibited once more tendencies to disintegrate because of its lack of sympathy with the Jacksonian policy. Indications of this were shown when the members of the party held a meeting in which resolutions were passed upholding the President's policy. Dissatisfaction led to another meeting in which his enemies seemed to be in the majority. This meeting, or "adjourned meeting," as it was called, condemned Jackson's Bank policy, charged him with giving the public treasure to favorite corporations, of forestalling Congressional action, and of tampering with the currency.^b These meetings are but indications of the friction which had for some time been growing and which was soon destined to break the party in the State in twain.

The question of the banks was a delicate one, in Pennsylvania particularly. Already, in the previous Presidential campaign, the Democrats of the State had been accused of supporting corrupt State banks in opposition to the United States Bank,^c a charge which the opposition did not suffer to die out. In this session of the legislature a member from

^a Pennsylvania Reporter, December 20, 1833. Niles Register, XLVII, 163.

^b Pennsylvania Intelligencer, April 10, 1834.

^c Pennsylvania Telegraph, August 1, September 19, 1832.

Philadelphia offered a resolution in the lower house to investigate the State banks, but the resolution was killed, and the National Republicans were thus able to impute to the Democrats the suppression of such an inquiry in order to shield the State banks.^a Whatever may have been the attitude of some of the Democrats toward these institutions, Wolf, to his credit be it said, kept a strong rein upon them and repeatedly vetoed bills for their establishment. In his message of December, 1834, he states his attitude emphatically and speaks of the banking craze as "a depraved, insane spirit, evincing a vitiated anxiety for the establishment of banking institutions."^b

On their side the Democrats strove to prove that the United States Bank meddled in the affairs of Pennsylvania to such an extent that a large part of the canal loan which had been thrown on the market had not received a bid. Governor Wolf, in his message of February 26, said:

It can scarcely be doubted that it is from the course of operations that the institution has been pursuing for some time past (whether justifiable or not I will not undertake to determine) that the State is indebted in a great measure for its disappointments heretofore, and for the failure to obtain its [last] loans. * * * An immediate suspension of the works upon the several lines of improvements until the loan is negotiated will be indispensable.^c

In the several battles over the Bank the Antimasons and National Republicans voted together, putting up a strong opposition, although the Democrats had the majority. Stevens made many brilliant but bitter and harsh speeches, in which he reproached the administration of the General and State governments and lauded the Bank and the principles of Antimasonry at one and the same time.^d In the Senate, also, we find the same combination supporting a resolution to recharter the Bank, which, however, was defeated by a vote of 22 to 10.^e It was clear that radical changes were going on in party politics and that the opposition had at last found an issue upon which all could unite. Hereafter the National Republicans

^a Pennsylvania Reporter, January 24, 1834.

^b Hazard, Register of Pennsylvania, XIV, 371. Only a few banks succeeded in obtaining charters during Wolf's administration.

^c Pennsylvania Reporter, February 28, 1834.

^d Pennsylvania Reporter, March 4, March 21, 1834.

^e Pennsylvania Reporter, March 21, 1834.

may be called the Whigs, while the Antimasons, although remaining a separate party, tend more and more to be absorbed into the ranks of the new party and vote with it upon all important questions.^a

Although the Bank question was now predominant, the canal question remained one of the strongest points of contention. If Wolf's policy was wise in regard to the restriction of State banks, his policy upon the canals can not be called so. From a conservative position he had gone to the wildest extremes. In his message upon this subject he reviewed the progress of the work. He admitted that it was not nearly finished, but nevertheless said:

With prospects so flattering, fellow-citizens, in the very infancy of our public works, the friends of the internal-improvement policy may rest satisfied that the day is not far distant when Pennsylvania, encouraged by the success which has attended her public improvements; their continually increasing productiveness; the overflowing treasury, for which she will be indebted to the redundant revenues derived from that source; and threatened, as she is on all sides, to be deprived of that commerce which the God of Nature seems to have destined for her use, will in her own defense force the waters of Lake Erie to mingle with those of the Allegheny and the Delaware; the Ohio canal to become tributary to her own extensive improvements; the waters of the Cayuga and Seneca lakes, by means of the Elmira canal, to unite with those of the Susquehanna; and will cause the wilderness countries drained by the improvements by which all this will be accomplished to "smile and blossom as the rose." This may be regarded as fancy now, but it must become fact before long; and judging from the "signs of the times," it would not be surprising if it should happen in our own day and generation, and be achieved by the force of public opinion itself.^b

Suffice it to say that the spirit of the times favored such vast plans, and great sums were voted for these improvements.

The canal was brought forward prominently in this session, not through the appropriations, but through an effort at investigation. On January 24 a debate took place on the subject of the official conduct of the canal commissioners. It seems that a committee was appointed to investigate certain charges against them relating to misconduct and favoritism on the

^a The first mention of the name Whig in Pennsylvania is that in the Pennsylvania Reporter, April 25, 1831, although it was doubtless applied long before this.

^b Hazard, Register of Pennsylvania, XII, 373. A complete statement of the canals in Pennsylvania is given in *ibid.*, XI, 316.

North Branch division. The committee appointed informed the commissioners that certain witnesses would be examined by them in one of the committee rooms, where they might attend if they thought proper and hear the testimony. This the canal commissioners resented, and laid before the house a remonstrance signed by all the commissioners declaring that the committee had no power to investigate their conduct or to cite them to appear before them. It is unnecessary to say that the commissioners were upheld by the Democratic majority.^a The cry of fraud and corruption upon the canal was raised by the opposition. Their orators poured forth the most earnest protests against such proceedings, and Ritner took advantage of the occasion to write a letter in which he arraigned the Administration, complained of the excessive cost, and charged fraud and favoritism and blocking of investigation.^b

The rapid combining of the different elements of opposition in the various parts of the State led to a Whig convention which met on May 27. It was made up of men from all parties except the Van Buren Democrats. Ner Middleswarth, the old Antimasonic leader, was vice-president of the convention, and a few other Antimasons were present.^c From the first the members of the convention seemed to realize that it was hopeless to again tie their fortunes to Henry Clay. He had won the dislike of the Antimasons by his position at the last election, and his recent attitude of compromise upon the tariff made him particularly obnoxious to the members of the anti-Jackson party of Pennsylvania. As Stevens said previous to the convention:

The statesman of the West * * * has changed his position with his interests; abandoned the American System, laid violent hands on his own child; out of hatred to a successful rival joined the nullifiers, and become their apologist, if not their advocate.^d

It can hardly be said that the convention did anything of importance, however, except to draft a few memorials of a conciliatory and unifying character. In fact, it was but the

^a Pennsylvania Telegraph, January 25, 1834.

^b Ritner's letter of April 15. Pennsylvania Intelligencer, May 8, 1834. Pennsylvania Reporter, July 31, 1834.

^c Pennsylvania Reporter, May 30, 1834. The following counties were represented: Washington, Union, Northumberland, Erie, Adams, Bucks, York, Allegheny, Lancaster, Berks, Philadelphia, Dauphin, Huntingdon, Montgomery, Susquehanna, and Mercer.

^d Pennsylvania Reporter, March 13, 1834.

merest preliminary step in organization.^a Henceforth, until the Antimasons were absorbed in the great Whig movement, they worked side by side with that party on all the great issues.^b That they were not immediately absorbed was due solely to the untiring zeal of Stevens, a Solomon Southwick as well as a Weed, who revived the radical spirit of opposition to Masonry and constantly and tirelessly kept the issue before the people. That Antimasonry pure and simple had had a revival is seen by the enthusiasm at many of the recent conventions and by resolutions which have the true ring of the party in its early days in New York. Said the Dauphin County convention:

Resolved, That we consider the question of the Bank as a matter of trifling importance, compared with the great principles for which we are contending, and that we will continue to wage an unintermittent war against masonry and masonic usurpation in defense of our dearest rights, let the Bank sink or swim.^c

The source of this new and fervid spirit lies in the activity of Stevens and his colleagues in the legislature of this year.

On February 6, 1834, Mr. Stevens presented the following resolution, in support of which he spoke at some length:

Resolved, That a committee be appointed to inquire into the expediency of providing by law for making Freemasonry a good cause of peremptory challenge to jurors, in all cases where one of the parties is a Freemason and the other is not; and on the part of the Commonwealth; in all prosecutions for crimes and misdemeanors where the defendant is a Mason, and also where the judge and only one of the parties are Freemasons, to make the same provisions for the trial of causes, as now exists, where the judge and either of the parties are related to each other by blood or marriage; and that the said committee have power to send for persons and papers.

The resolution was rejected by a vote of 45 to 31,^d many of the Whigs, especially from Philadelphia, voting with the

^a Pennsylvania Reporter, May 30, 1834.

The Democrats perceived the new movement with evident surprise and alarm. The newspapers were set to work to print again the old charges against the National Republicans and apply them to the Whigs. The latter were charged, as the former had been, with being the old aristocratic Federalists in disguise, with being opposed to universal enfranchisement and the rights of man, and of aiding the Bank and the power of property. Pennsylvania Reporter quotes National Bank Gazette, April 11, 1834; Boston Courier, April 14, 1834; Richmond Whig, New York Courier and Enquirer, National Intelligencer, and many other Whig papers to substantiate the charges.

^b Richard Rush, supported by the Philadelphia Sun and Lancaster Herald, tried to bring about a divergence of the Antimasonic party in favor of Jackson, but without much success. Pennsylvania Intelligencer, January 9, 1834. Pennsylvania Reporter, March 7, 1834.

^c Vermont State Journal, September 1, 1834.

^d Pennsylvania Reporter, February 11, 1834.

Antimasons. Mr. Stevens was not discouraged, but again brought up the resolution on January 21. In his speech upon this occasion he made the following significant remarks:

This vote will show who and what party are the protectors, the fosterers and guardians of that institution [Masonry]. That party which shall now oppose this resolution can never afterwards, by all their sophistry and denials, persuade a watchful and intelligent people that they are not the Masonic party.^a

The resolution was again defeated by practically the same vote.^a The struggle was kept up with great bitterness, and on February 24 Mr. Patterson, of Armstrong, brought in a petition, which was laid on the table, asking for an investigation of Antimasonry.^b Mr. Stevens on the same day brought up a preamble and resolution against "extra-judicial" oaths,^c and thus the fight kept on until the house, in order to get rid of it all, appointed two committees, one to investigate Masonry, and the other to investigate the "political motives and evils of Antimasonry."^d

Mr. Stevens's committee met and gave the clerk a precept for a subpoena for witnesses to be issued in the usual way and signed by the speaker. It was objected to, however, and the committee then asked to be given power to take "testimony of such witnesses only, as would appear and testify voluntarily before them." This the house by a large vote also opposed.^e Mr. Stevens's report speaks of the intentions of the committee in the following characteristic manner:

It was particularly desirable that the Governor of the Commonwealth should be a witness. It was thought that the papers in his possession might throw much light on the question, how far Masonry secures political and executive favor. Their inspection would have shown whether it be true, that applications for offices have been founded on Masonic merit and claimed on Masonic rights. Whether in such applications the "significant symbols" and the "mystic watchwords" of Masonry have been used, and in how many cases such applications have been successful in procuring executive patronage. It might not have been unprofitable also to inquire

^a Pennsylvania Reporter, February 21, 1834.

^b Pennsylvania Reporter, February 25, 1834.

^c Pennsylvania Reporter, February 27, 1834.

^d Pennsylvania Reporter, March 1, 4, 1834. Harvey's History of Lodge No. 61, F. and A. M., Wilkesbarre, 1897, gives a very good and accurate Masonic account.

^e Pennsylvania Reporter, March 27, 1834. The reason was that the committee would probably take the testimony of renouncing Masons and thus bring in a strong report against Masonry.

how many of the convicted felons, who have been pardoned by the present governor, are "brethren of the mystic tie" and connected by blood or politics, with members of that institution; and how few of those who could boast of no such connections, have been successful in similar applications.

He proposed also to bring before them the judges to ascertain "whether * * * the grand hailing sign had been ever handed, sent, or thrown to them by either of the parties litigant, and if so, what had been the result of the trial."^a

On April 1 Mr. Patterson's committee reported. Included in this report was the following statement:

We are not Masons and have no peculiar motive or inclination to support the institution, except those to which we are driven by that unjust principle of Antimasonry which includes all in the general proscription who will not join in the chase and assist in running down their prey. Antimasonry owes its origin to the same latitudes which produced the celebrated blue lights and blue laws, and Golden Bibles and Mormon religion, and seems akin to the similar infatuation instituted against the fairer sex of Salem for witchcraft, who were tied by their legs and arms and thrown into deep water—to swim if witches, [and] be burnt; if innocent, simply to drown. The ordeal and justice of Antimasonry seems equally equitable and wise. The annals of our country have condemned such past folly, and your committee cannot sanction it. Antimasonry comes from the land of notions and is quite unadapted to the climate, common sense, and sober feelings of Pennsylvania. It aspires to public honors, without the stamp of merit. It envies the possession of office, and influences that power and respectability which it feels not to be its own.^b

These reports were both printed by the State and distributed as campaign literature. This was the beginning of a long-continued legislative struggle full of singular episodes.

In the election of this year the union of interests resulted in the choosing of 11 of the combined Whig and Antimasonic party as Representatives to Congress, 8 State senators, and 38 members to the lower house.^c Stevens and McSherry (a member of the last Whig convention and an Antimason who was to be very prominent in the future) were elected from Adams county.^d

As was to be expected, the combined party showed the greatest strength in old Antimasonic regions of the southeast

^a Hazard, Register of Pennsylvania, XIII, 223.

^b Pennsylvania Reporter, April 3, 1834.

^c Pennsylvania Reporter, October 28, 1834.

^d Pennsylvania Intelligencer (Whig), October 17, 1834. The Whig papers imply that they were elected by the Germans of that county.

and west and in the city of Philadelphia. The Pennsylvania Reporter said:

Are not all the old Federal counties in the State strong in the opposition? Look at Adams, Lancaster, and Chester, and the city of Philadelphia. The truth is, the Federal Antimasons, the Federal National Republicans, and the Federalists proper, have by a natural affinity united in opposition to the Democratic party, and formed a party as distinctively Federal as any that has heretofore existed.^a

From what has been narrated it is evident that the political year just described saw the birth of two new forces in Pennsylvania politics—the Whig party, made from a gathering together of discontent and opposition of all sorts, and a new spirit aroused by the enthusiasm and persistent aggressive policy of Thaddeus Stevens, from now on the great political leader as well as the great high priest of Antimasonry.

^a Pennsylvania Reporter, October 31, 1834.

CHAPTER XIV.—THE YEAR 1834–35 AND THE LEADERSHIP OF STEVENS.

Upon the organization of the houses this year it became evident that, as before, the Whigs and Antimasons would stand solidly together. The coalition candidate for speaker, Middleswarth, received 33 votes, while the Democratic candidate received 57.^a

Immediately after the preliminary work had been accomplished, the irrepressible Stevens introduced a resolution against extra judicial oaths,^b which, however, was defeated by a vote of 58 to 38, Philadelphia and the National Republican districts voting with the Antimasons.^c By the aid of the above combination, Mr. Stevens then began a policy of obstruction by constantly bringing the matter before the house.^d The house met these measures by postponement or by laying the resolutions on the table, till at length Stevens gave notice that he would call the matter up every morning till the end of the session. At length his persistency was rewarded and the resolutions were passed after being amended by striking out the preamble and the words "Masonic" and "Odd Fellows" and inserting "secret societies."^e

The question of education was perhaps second to none in importance among the discussions of this session. The Germans and the Quakers of Pennsylvania, the strong supporters of Antimasonry, had for a long time had their own schools and consequently did not desire public education. Public sentiment, however, had long desired a change, and as early as the session of 1830 the question of a proper and modern school system had been considered. Governor Wolf, too, in nearly every one of his messages had urged the importance

^a Pennsylvania Reporter, December 3, 9, 1834.

^b This resolution, as it pictures so well the attitude of the Antimasons, is quoted to considerable length in the appendix.

^c Pennsylvania Reporter, December 12, 1834.

^d Pennsylvania Reporter, March 9, 12, 20, 1835.

^e Pennsylvania Telegraph, April 2, 1835. It is a noteworthy fact that so strong was the party feeling at this time that Dr. Anderson, of Delaware, a Whig and a Mason, voted constantly for Stevens's resolutions in order not to break the bargain and lose the support of the Antimasons upon other measures.

of the measure. In 1834 efficient aid came to this movement from a most unexpected quarter. Thaddeus Stevens had been elected by Antimasonic constituents, of whom many were Germans and opposed to the new educational ideas; but in spite of this fact he came forward as the champion of the cause, and it was his powerful personality and matchless eloquence which kept in check in the session of the previous year (1833-34) the various amendments which would have spoiled the system by pauperizing it.^a Although the bill did not entirely meet Stevens's approval, yet it passed both houses with considerable unanimity at that time.^b

In the session now considered a strong effort was made to repeal the law on the ground of unjust apportionment of taxes and money received to support the schools, and also instruction expenses.^c The bill to repeal the act passed the senate, because of the burden of taxes by reason of the canal company, but was defeated in the house by a vote of 57 to 35 by a sectional vote.^d A substitute, which was offered by Mr. Stevens, essentially modifying the law, of 1834, was finally adopted.^e Notwithstanding the position of Stevens and many

^a Proceedings of the house, January 21, 1834. See *Pennsylvania Intelligencer*, January 27, 1834.

Stevens's fearless attitude upon all questions relating to education is shown in a letter written to some of his party who had opposed his support of the Pennsylvania College. He says: "You tell me, that my course, in relation to the college will injure your political party, and consequently injure you individually. If anything could change my purpose, a belief of this position would. For, however I may sacrifice myself, I do not assume the right to sacrifice you. But that could only happen upon the supposition that I become unpopular, and still continue to be your candidate. That, I will never do. I have already resolved that the weight of my name shall never again burthen your ticket. I will withdraw from any active part in your political discussions. And if it be necessary to the well-being of our country, dear to me as all my Friends and Constituents, I will withdraw from your county to some place where the advocates of Antimasonry may be advocates of Knowledge." *Pennsylvania Telegraph*, January 26, 1834.

^b As it provided for local option, however, it was defeated in the counties of Adams, Bucks, Berks, Chester, Columbia, Dauphin, Lancaster, Lehigh, Lebanon, Union, Westmoreland, Northumberland, Somerset, and Schuylkill, the German element and probably some of the Quakers voting against it. *Pennsylvania Reporter*, December 2, 1834.

^c *Pennsylvania Intelligencer*, May 7, 1835.

^d *Pennsylvania Reporter*, April 14, 1835.

^e It was upon this occasion that Stevens made one of the most remarkable oratorical efforts of his life. Democrats, Whigs, and Antimasons were united for once in admiration of the great orator. It was upon this occasion, too, that Stevens forgot his bitter animosity toward Wolf and described him as the leader "whose banner streams in light." The Democratic *Pennsylvania Reporter* speaks of his efforts upon this occasion in the following language: "The speech delivered by Mr. Stevens was particularly fine. The acknowledged talents of this gentleman were never exerted in a nobler cause or with greater effect than on this occasion, and we feel assured that a more powerful effort of oratory was never listened to within the walls of this or any other legislative hall." *Pennsylvania Reporter*, April 16, 1835. See *McCall's Life of Thaddeus Stevens*, pp. 41-45.

of the Antimasons, the question became of political significance in the coming campaign and Wolf certainly lost much popularity among the German Democrats.

The canal policy of Wolf had been supported by the Democratic majorities, and generally his suggestions were very nearly carried out. In his message of this year^a he went as far as to suggest the combining of the West Branch with the French Creek division, thus forming two proposed passages to Lake Erie. As this would bring a main line of canal through some of the strongest Democratic counties, it was very popular in these sections. The vote upon the bill in the house was the very close one of 47 to 45,^b the eastern German Democrats plainly showing their discontent. The senate returned the bill, striking out the Erie extension, and in this form it passed the house a second time.^c

Another matter of political importance was the action upon the amendment of the constitution. As early as 1833 Democratic meetings advocated changes in the old constitution because it did not fit present conditions and because of the great and arbitrary power given by it to the governor and the judges. In April, 1835, an act was passed providing for the submission of the matter to the people at the next election.^d The measure was unpopular with the Germans as a whole, and in the coming political movements and the campaign which followed we find these 'people, both Antimasons and Democrats, opposing the Democrats because of their attitude on this question.^e

That dissatisfaction would come sooner or later in the ranks of the German Democrats of Pennsylvania, supporting as they did a man who was practically a National Republican for so long, who had favored a vast and costly system of internal improvements and who had championed the school bill,^f was

^a Hazard, Register of Pennsylvania, XVI, 370.

^b Pennsylvania Reporter, April 7, 1835.

^c Crawford Messenger, May 2, 1835. It provided liberally for nearly all the other lines.

^d Pennsylvania Reporter, April —, 1835.

^e A respected citizen of Harrisburg of German extraction, who was a young man at this time, told the author that the natural hatred of the Germans to any change was the basis of this opposition.

^f The Germans did not want secularization, although not opposed to education. Henry A. Muhlenberg, in a letter to the workingmen of Philadelphia, January 26, 1836, says: "The Germans of our State are not opposed to education as such, but only to any system which to them seems to trench on their parental or natural rights." They had established and maintained schools and did not want to abandon them.

to be expected. The vote at the last election had shown that he was not popular in the German districts of the State. This, together with the fact that the supporters of Wolf were thought to be opposed to Van Buren^a and allied with the party that had all along disliked extreme Jacksonism, presaged trouble in the coming State convention. When the convention met on March 4 it was found that a faction from the counties of Adams, Beaver, Chester, Delaware, Dauphin, Erie, Fayette, Franklin, Greene, Lebanon, Luzerne, Lehigh, Montgomery, Mercer, Northumberland, Susquehanna, and Union were determined to nominate for governor Henry A. Muhlenberg, of Berks, a man of distinguished family, a former minister of the gospel, and one of the greatest preachers in the State.^b In spite of their efforts, however, the convention nominated Wolf after several days of fruitless quarrel over delegates. The Muhlenberg supporters withdrew and soon after nominated their candidate in a convention held at Lewistown.^c

The seceding delegates were generally understood to be in favor of Van Buren and opposed to internal improvements, and the school bill.^d It is apparent, also, that they came, to a large extent, from those German counties which had cast so large a vote for Ritner in the previous election.^e Every means was tried to close the schism. President Jackson even wrote a letter to Muhlenberg asking him to withdraw for the sake of harmony, but without avail.^f

The Antimasons again nominated Ritner,^g and though his policy was not clearly defined in regard to the canal system, we find none of the opposition to improvements manifested during the last campaign. He and his supporters confined themselves to criticising the administration for extravagance and for corruption connected with the work.^h

^a Niles Register, XLVIII, 198.

^b Pennsylvania Reporter, April 3, 1835. Niles Register, XLVIII, 20.

^c Pennsylvania Reporter, May 6, 1835. Niles Register, XLVIII, 190.

^d Pennsylvania Reporter, May 1, June 5, August 28, June 26, 1835. Pennsylvania Intelligencer, May 14, 1835. Niles Register, XLVIII, 198.

^e Pennsylvania Reporter, April 7, June 19, 1835.

^f Jackson's letter of July 1, 1835. Pennsylvania Reporter, 1835. In a Fourth of July address Jackson mentioned Wolf as the "patriotic governor," a phrase which was used against the other faction. Niles Register, XLIX, 189.

^g Niles Register, XLVIII, 20.

^h Pennsylvania Reporter, June 10, June 19, 1835. Centre Democrat, June 10, 1835.

The efforts made by the Muhlenberg faction to win over the German Antimasons singularly failed, and but a few of them, led by Richard Rush, entered into the support of Muhlenberg.^a

The northern counties of the State had received many favors from Wolf, and it was this section which displayed at this crisis the greatest enthusiasm for his cause. His supporters said:

When George Wolf was elected governor of Pennsylvania, the North was regarded more as a colony of outlaws than citizens of the State. We have now a firm prospect of having the State improvements extended through this section of the State. To whom are we indebted for this prospect more than George Wolf? He has boldly stepped forth and urged his measures upon the legislature. Is there a man in the North who can turn recreant to such a governor?^b

The people of Erie County, too, were indignant at the long neglect of their interests, and made an issue of the failure to extend the canal to the lake. At a meeting of the friends of the canal it was resolved "to support no man for the office of governor who was not its avowed and independent friend."^c Letters were addressed to all the candidates upon the matter, with the result that Wolf said it should be "completed without delay;" Ritner, as soon as the "circumstances of the State should justify it," and Muhlenberg admitted the work was "important," but did not commit himself.^d

One of the interesting phases of this campaign was the religious spirit connected with it. The Antimasons had long been called advocates of a union of church and state. The Wolf Democrats now imputed the same doctrines to Muhlenberg. "For upwards of eighteen years," says the Chester Democrat, "H. A. Muhlenberg professed to be a minister of the Message of Peace. * * * History portrays in glaring characters the danger of the unity of the civil with religious power. * * * Would every Pennsylvanian resist the encroachments of religious upon civil power, let him on this ground alone refuse to give his vote to Rev. Henry A. Muhlenberg."^d

^a Pennsylvania Reporter, August 28, 1835.

^b Northern Banner, quoted in Pennsylvania Reporter, July 17, 1835. See also account of Center County Democratic meeting, Pennsylvania Reporter, September 11, 1835.

^c Pennsylvania Reporter, September 11, 1835.

^d Chester Democrat, quoted in Pennsylvania Reporter, September 25, 1835.

Wolf in turn was attacked by his political opponents for having appointed a man to a position through the influence of a Catholic priest. "We have read much about church and state in this contest," said the *Pittsburg Manufacturer*, "and from whom has it come? none other than those who for the last six years have priest-ridden the Commonwealth.^a It was declared repeatedly that "Catholicism, Masonry, and infidelity were combined to crush the liberty of the Republic." In those days of religious disturbance and bitter religious feeling such accusations were not to be despised, and formed valuable campaign literature. This was the beginning of the strong anti-

ANTIMASON STRONG

Vote for governor of Pennsylvania, in 1835. (Philadelphia City for Ritner, Philadelphia County for Wolf.)

Catholic feeling in Pennsylvania with which so many prominent Antimasons, especially in the western part of the State, were later connected.^b

The result of the election was an overwhelming victory for Ritner. He carried the southern part of the State and the western tier of counties, receiving 94,023 votes to 65,804 for Wolf and 40,586 for Muhlenberg.^c According to the Demo-

^a *Pittsburg Manufacturer*, quoted in *Pennsylvania Intelligencer*, September 24, 1835.

^b Mr. E. Wilson's valuable *History of Pittsburg*, compiled largely from newspapers, gives a good picture of the struggle in the city of Pittsburg.

^c *Pennsylvania Reporter*, October 30, 1835.

Specifically, he carried Adams, Allegheny, Beaver, Bedford, Butler, Bucks, Crawford, Cambria, Chester, Cumberland, Dauphin, Delaware, Erie, Fayette, Franklin, Greene, Huntingdon, Indiana, Juniata, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mercer,

cratic account, 9 Antimasonic senators were elected, and in the lower house all but 28 were either Whigs or Antimasons. These two parties, if united, could control the lower house entirely, and on a joint vote both houses.^a

Montgomery, Philadelphia City, Somerset, Union, Washington, and York counties. Muhlenberg carried Berks, Columbia, Northumberland, Perry, and Schuylkill; all of these except Perry being adjoining counties. Berks was Muhlenberg's county, and had been the seat of political discontent for some time. In 1832 it had given Jackson 8,322 majority and Wolf but 323. *Pennsylvania Reporter*, June 19, 1835.

Berks, Schuylkill, and Northumberland also voted against the proposed convention for amending the constitution. *Pennsylvania Reporter*, October 30, 1835. Members from all these counties except Northumberland had opposed the improvement bill of 1835. *Pennsylvania Reporter*, April 7, 1835. These counties always elected Democratic members to the legislature, but were always decidedly opposed to the policy of Wolf. The split in the Democratic ranks undoubtedly caused the defeat of their party, although it must be admitted that the Muhlenberg ticket polled heavy votes in nearly all the eastern Antimasonic counties. Wolf carried 17 counties, 13 of which favored the convention. Every county in the State in which the German population predominated gave a majority against the convention. These counties were Lancaster, Berks, Schuylkill, Northampton, Lehigh, Lebanon, Dauphin, York, Montgomery, Union, Perry, Northumberland, and Somerset. Lancaster, the greatest Antimasonic county, gave the most votes against it, while Berks, the Muhlenberg stronghold, was next. Besides these counties, Adams, Bedford, Bucks, Center, Chester, Delaware, Mifflin, Northumberland, Philadelphia City, Philadelphia County, and Juniata voted against the convention. The convention was, however, decided upon by a vote of 84,611 to 73,008. *Pennsylvania Reporter*, October 30, 1835.

^a *Pennsylvania Reporter*, October 23, 1835.

CHAPTER XV.—THE ANTIMASONIC-WHIG ALLIANCE IN POWER.

As soon as the session opened it became evident that not only was the Whig-Antimasonic combination supreme but also that several of the Muhlenberg Democrats showed a tendency to unite with them as well. In the senate, Cunningham, a member from the western part of the State who was understood to be opposed to Van Buren, was elected chairman; while in the house, Middleswarth was elected speaker.^a

✓ In his inaugural address Ritner defined his policy toward the State improvements as follows:

With the vast debt already contracted before us, prudence would forbid the undertaking of any new, separate, and independent work, until those now in operation and in progress, prove by actual experience to be capable of sustaining themselves, and furnish evidence that they will, in a reasonable time, extinguish their original cost, without resort to taxation. But where further extension of the public works is necessary, to render those already made or in progress, profitable, and beneficial, economy and sound policy, and a just regard for the interests of the people, would require such extension to be authorized and completed.^b

His policy was soon put to the test, for both houses passed a resolution authorizing the canal commissioners to purchase and place additional locomotives upon the railroads of the Commonwealth. He returned this with his veto, and the remark "I regard this as the first question that has arisen, involving those principles of reform and economy for the support of which I stand pledged before my fellow-citizens."^c How the matter of improvements was finally settled will be

^a Pennsylvania Reporter, December 4, 1835. The Reporter estimated that a Muhlenberg man was elected clerk and an Antimason assistant clerk. Two of the printers are called Muhlenberg men and one a Whig. Cunningham received 20 votes to his opponent's (Reed) 10. He received all the votes of the Muhlenberg men, the Whigs, and the Antimasons. In the house, Niles estimates that there were 45 Antimasons, 26 Whigs, 17 Wolf men, 12 Muhlenberg men. Niles Register, XLIX, 230.

^b Pennsylvania Reporter, December 18, 1835.

^c Pennsylvania Reporter, January 5, 8, 1835. Niles Register, XLIX, 292. Hazard, XVI, 394.

considered in connection with the establishment of the United States Bank, where it properly belongs.

That Ritner looked upon his election as a triumph of Antimasonry is evident from the following statement from his message:

The supremacy of the laws, and the equal rights of the people, whether threatened or assailed by individuals, or by secret sworn associations, I shall, so far as may be compatible with the constitutional power of the Executive, endeavor to maintain, as well in compliance with the known will of the people, as from obligations of duty to the Commonwealth. In this endeavor I shall entertain no doubt of zealous cooperation by the enlightened and patriotic legislature of the State. The people have willed the destruction of all secret societies, and that will can not be disregarded.^a

In accordance with this recommendation a committee was appointed to inquire into Masonry, and on December 7 Mr. Stevens, chairman of that committee, reported a bill entitled "An act to suppress secret societies bound together by unlawful oaths."^b On December 19 a committee of five, with Stevens as chairman, was appointed to investigate the evils of Freemasonry, with power to send for persons and papers, and January 11 was fixed as the date for an investigation before the committee.^c As the witnesses took no notice of the summons, the next day Mr. Stevens made a report that the committee had summoned George Wolf and others to appear before them, but that they had all denied the authority of the house and the committee to serve process upon them, and had refused by letters to appear. He then offered a resolution that "attachments issue to compel the attendance of George Wolf, John Neilson, and other delinquent witnesses."^d

On January 14, after much debate, it was decided by a vote

^a Pennsylvania Reporter, December 18, 1835. See also Harvey, History of Lodge No. 61, F. and A. M., and the American Free Mason, Louisville, Ky., II. This gives a Masonic history of Antimasonry.

^b Pennsylvania Reporter, December 8, 1835, American Daily Advertiser, December 25, 1835.

^c Harrisburg Chronicle, January 11, 1836. American Sentinel, January 12, 1836.

^d Harrisburg Chronicle, January 14, 1836. Governor Wolf in his letter said: "I respectfully, but solemnly repeat my protest against and utterly deny the right of the committee: of the House of Representatives itself: or any human power to interfere with my constitutional rights as a free citizen of the State of Pennsylvania, with my privileges as a free agent, or with indulgence of my predilections to form such associations, not prohibited by law nor violating any provisions of the Constitution, as I may from time to time think proper, * * * or to interrogate me concerning the same, or to compel me to answer in anywise in relation thereto. I therefore respectfully decline appearing before the committee as requested by the subpoena." Franklin Repository, January 19, 1836. Harrisburg Chronicle, January 14, 1836.

of 59 to 29 to bring these men before the house. An analysis of the vote shows that many of the members from the Muhlenberg counties either did not vote or voted for the resolution, while the rest of the Democrats to a man voted against it.^a

On January 18 the witnesses were accordingly brought before the committee. The excitement was intense. Crowds of people attracted from everywhere were present to hear the secrets of the Masons revealed. Masons, Antimasons, "Mullies,"^b "Jacks,"^c "Bats,"^d "Collar Democrats,"^e "Canalers," "Anticanalers," Quakers, Dunkards, Mennonites, Lutherans fought with one another to get within hearing of the awful things to be revealed. All the terms that human ingenuity could devise were brought forth by the Democrats to describe the proceedings. The days of Salem witchcraft were held up as the only parallel in American history. It was called an "Old Woman's Curiosity Convention," with Stevens as "Chief Old Woman;" it was compared to the Inquisition, with Stevens the "Arch Priest of Antimasonry," as "Chief Inquisitor," and many other terms equally ingenious were invented and used.^f

The curiosity seekers and the investigators were disappointed. Each Mason, as he was summoned, refused to answer the questions put, and instead read a protest. Many of these protests were remarkably strong and dignified documents. The limits of this work do not permit their appearance here. As the reading was continued at great length, Stevens showed signs of impatience and is said to have lost his temper several times.^g

^a Harrisburg Chronicle, January 14, 1836. Franklin Repository, January 19, 1836.

^b Followers of Muhlenberg.

^c Men who were not Masons yet sided with them.

^d Those who neither were Masons nor sided with them, and yet did not see the "light."

^e A common name for the Democrats. It comes from a saying of Crockett's that each Democrat wore a collar upon which was inscribed "Andrew Jackson, his dog."

^f Stevens, indeed, appeared well in the part of an inquisitor. He is described at this time as a "gentleman with gray eyes, smooth hair, robust person, and a cold severe look." Harrisburg Chronicle, January 18, 1836. His Puritan ancestry, his fanatical spirit, his radical nature, all fitted him for the part he was playing.

^g Franklin Repository, January 19, 1836. Harrisburg Chronicle, January 21, 1836. Niles Register XLIX, 379, 381, 382. Mr. Egle says that when Rev. Mr. Sproul was reading his address he came to the expression "Gentlemen, if you are willing to convert yourselves into a modern Juggernaut, then roll on." "Stop," thundered the chairman of the "Inquisition," white with wrath, and further reading was dispensed with. Pennsylvania Magazine of History and Biography, XXIII, 187. Mr. Egle was a Mason.

On January 20 a resolution was adopted directing the sergeant-at-arms to take into custody 25 witnesses named in the resolution and bring them before the bar of the house.^a On January 21 Mr. Stevens offered another resolution that the prisoners at the bar be committed to the charge of the sergeant-at-arms, and there continue until delivered by due course of law. To this resolution amendments were offered in great number. One of these, by a member from Allegheny County, proposed that "the speaker of the house be instructed to apologize to the prisoners at the bar." The house was beginning to get tired of Stevens and his fruitless "inquisition," and political expediency could not hold them on his side much longer. Says an eyewitness: "For a time it was uncertain whether the prisoners would be committed or the house apologize to them."^b After a struggle the house decided to discharge the prisoners by a vote of 48 to 45.^c Stevens did not give up the idea of investigation, but continually brought the matter up, without, however, accomplishing anything, the Whigs being utterly disgusted at his disgraceful defeat.^d He finally gave up his task, but nevertheless vowed vengeance. In a speech in the house on March 5 he said:

The Antimasons in the State have been in the minority, and will be in the minority until they have exterminated the unholy orders. The troops from Switzerland and Cassel, after having sacked the archives of the temple will now turn and destroy the fair city itself. Sir, I will go home again in a minority, and call again and again upon the people and will either succeed in crushing that polluting order, which will sustain itself by trampling over the best interests of the country, or will go down to the grave never faltering in a righteous cause.

He said that he would appeal to the people, and in their decision all would soon perceive that there was "no other question than Masonry and Antimasonry."^e

As the election of Governor Ritner was a triumph for the friends of the Bank, efforts were made early in the session to incorporate it. On January 28 a bill passed the house to that effect by a vote of 57 to 33, the members from the Muhlen-

^a The vote was 47-43.

^b Editor of United States Gazette. Harrisburg Chronicle, January 28, 1836.

^c Niles Register, XLIX, 382.

^d Harrisburg Chronicle, February 4, 22, March 3. See also journal of house of representatives, 1835-36, II, pp. 810-921, and Document No. 268.

^e Harrisburg Chronicle, March 10, 1836.

berg counties voting with the Democrats.^a By the terms of its charter it had to pay \$4,500,000 as a bonus and contribute nearly \$700,000 to various improvements.^b The act was designated an "Act to repeal the State tax on real and personal property, and to continue and extend the improvements of the State by railroads and canals." The improvements to which the money was applied embraced nearly all the schemes then in existence. Many railroad companies—notably the proposed Baltimore and Ohio branch in Pennsylvania, and a proposed railroad from Columbia to Pittsburg, and the famous Gettysburg, Wrightsville and York Railroad—were helped. The turnpikes, especially in the southern and western portions of the State, received their due share, while the branch canals received large amounts. Even the survey of the West Branch to the Allegheny, the French Creek extension to Lake Erie, and the plans to connect the Pittsburg to the Ohio system were not forgotten. In this way the greater part of the money received was spent and comparatively little was assigned to the discharge of the public debt. Many improvement companies and speculative enterprises sprang up in every direction. Work was commenced which it would take untold wealth to complete. The logical result can be foreseen; the crash came in the next year.^c

Conditions so advantageous to all sectional interests and enterprises won many adherents to the Antimasonic-Whig party. This was noticeably true in the case of many Democrats who had shown some tendency not to follow their party as it then existed in the State.^d

Such a concession could not have been made without criticism, and almost immediately a senator accused another of trying to bribe him to vote for it. A committee was appointed

^a Harrisburg Chronicle, February 8, 1836. It was incorporated February 8, 1836. Ibid., January 25, 1837.

^b Harrisburg Chronicle, July 6, 1836.

^c For the text of the act, see Philadelphia Courier, January 30, 1836. See also Laws of Pennsylvania, 1835-1836.

^d Says the Harrisburg Chronicle: "The crisis in our State affairs was startling. Our commerce was sinking beneath the pecuniary agitation; our State treasury was bankrupt; our people were already overburdened with taxes. * * * Besides all this, our improvements would have gone to decay for want of means, and many valuable lines of improvements would have been checked altogether. Ruin, utter ruin, would have ensued." Harrisburg Chronicle, May 30, 1836. The Chronicle at this time bore at the head of its columns the names of Van Buren and Johnson, although just before the election it became Whig.

to investigate the matter, and although there was a great weight of circumstantial evidence against the accused he was acquitted, although publicly reprimanded. The committee reported that they were "satisfied that neither the Bank nor any person connected with it improperly interfered to promote the passage of the bill."^a

The chartering of the Bank set a precedent for the establishment of other State banks, among which was the Girard Bank, of Philadelphia. Although Ritner, in his message, had not taken as positive a position toward such institutions as had Wolf,^b yet he vetoed this bill, and in doing so made a restatement of the arguments in favor of the Bank of the United States. He seems to have favored that, and that alone.^c It is also probable that he tried to avoid the odium cast upon the previous administration by reason of the charters granted by the Democrats, in spite of the executive veto. As in the case of Wolf, the bill was passed over his veto. This opened the way for the establishment of many banks during his administration.^d

The friends of the Bank received a severe shock later in the year when George Dallas said that the constitutional convention then assembling could "possess within the territory of Pennsylvania every attribute of absolute sovereignty, except what may have been yielded to the United States and is embodied in the Federal Constitution." He recommended that the Bank be demolished by this method. Although this view of the matter caused an uneasiness bordering on panic in commercial centers, yet nothing finally came of it.^e

Another measure well adapted to please the thrifty German farmers of the State was the repeal of the direct tax. This

^a Harrisburg Chronicle, February 15, March 14, 1836. Niles Register, XLIX, 434; L, 110.

^b He promised to limit the amount of paper money, etc., but said, however, that "public accommodation and the demands of business will be consulted." Hazard, Register of Pennsylvania, XVI, 394.

^c Franklin Repository, March 29, 1836.

^d Ibid. Stevens, in a characteristic speech, condemned Ritner for his veto. "For his part," he said, "he could see nothing to justify the act; and he could not stand by and see kingly prerogative exercised without always being opposed to the exercise of such power. It was no new doctrine with him. He had always been opposed to the exercise of the veto power, whether it was done by his political friends or foes. He never retraced his steps to please in any quarter. He would look upon the success of this veto as a triumph over the deliberations of legislative action and independence." Harrisburg Chronicle, March 21, 1836.

^e Harrisburg Chronicle, November 2, 9, 1836.

tax went into effect October 1, 1832, and was levied especially upon such articles as mortgages, bonds, notes, bank stock, turnpike stock, and other personal property, and provided for an increase of county rates.^a The law had been the cause of great discontent and of much severe censure of Wolf,^b and various attempts had been made to repeal it.^c

The act was finally repealed on March 10, 1836. The following resolution shows how the party in power made a strong bid for the patronage of the people:

Whereas, although the law levying taxes on real and personal property for the use of the State will expire on the twenty-fourth day of March next, yet it appears by the report of the State Treasurer, made to the legislature at the present session, that these taxes are estimated in the receipts of the current year at two hundred and eight thousand, nine hundred and sixty-three dollars, and that the same would have been collected from the people, notwithstanding the expiration of the same law, but by the passage of the late act entitled "An act to repeal the State tax on real and personal property, and to continue the improvements of the State by canals and railroads, and to charter a State bank to be called the Bank of the United States,"^d the treasury will be supplied in lieu thereof, and it is thereby rendered unnecessary to demand the payment of the same from the citizens of the Commonwealth.

Another strong bid for public favor was a resolution introduced by Stevens instructing the delegation in Congress to use their influence for the passage of a law making an appropriation for the improvement of the navigation of the Ohio. Only ten Democrats had the hardihood to vote against the measure.^e

^a *Pennsylvania Telegraph*, September 28, 1831.

^b Wolf, in his last message, however, had advocated that it be allowed to expire. *Hazard, Register of Pennsylvania*, XVI, 370.

^c For controversy over this before its existence and after, see *Harrisburg Chronicle*, April 20, 1830. *Pennsylvania Telegraph*, September 28, 1831. March 10, September 19, 1832. *Pennsylvania Reporter*, September 14, 1832.

^d *Harrisburg Chronicle*, September 28, 1836. See also *ibid.*, February 29, 1836, for debates in Senate of February 15, 1836.

^e *Pennsylvania Reporter*, January 12, 1836. They were instructed also during this session to vote against the expunging resolutions, and in the extra session they were instructed to vote against the distribution of the surplus revenue among the States. *Siles Register*, L, pp. 16, 291.

A resolution which was of comparative insignificance at this time and yet must be noticed because it marks the beginning of the political anti-slavery movement in the State, came up in this session. The governor, in his message, had alluded to resolutions from the States of Virginia, Missouri and Kentucky relative to abolition and incendiary publications. This was referred to a committee, of which Stevens was a member. Sherman and Dr. May also reported the following resolutions: "Resolved, That the slave holding States alone have the right to regulate and control domestic slavery within their limits." "Resolved, That Congress does possess the constitutional power, and

As the time of the national election was approaching, much interest was manifested in the position of the Antimasons. Would they unite with the Whigs or would they run an independent ticket of their own? Already early in 1835 some of the counties had instructed their delegates to the State convention to bring the name of Harrison before the convention as a candidate for President.^a Letters were addressed by other conventions to prominent men of the country asking them for their views upon Antimasonry. Harmar Denny and others of Allegheny county addressed a letter to Webster. He replied in a letter in which he positively announced his belief in the doctrines of the party and said:

Under the influence of this conviction it is my opinion that the future administration of all such oaths, and the imposition of all such obligations, should be prohibited by law. * * * I have ever found the Antimasons of Pennsylvania true to the Constitution, to the Union, and to the great principles of the country. They have adopted the "supremacy of the laws" as their leading sentiment, and I know none more just or more necessary.^b

Stevens had meanwhile been negotiating with Harrison. According to the Democratic accounts, he asked Harrison the following questions: (1) "Do you believe that Freemasonry and all other secret oath-bound societies are evils and inconsistent with the genius and safety of republican government?" (2) "Will you join your Antimasonic fellow-citizens in the use of all constitutional, fair, and honorable means for their final and effectual suppression?" Harrison replied that he believed in Antimasonic principles, but that, although he was "far from asserting that evils arising from Masonry do not form a proper subject for the deliberations and action of some constituted authorities in our country," yet he was "certain that there exists no such power either in the whole Government of the United States, or in any of its departments,

it is expedient to abolish slavery and the slave trade within the District of Columbia." Harrisburg Chronicle, June 2, 1836. These resolutions may appear exceedingly mild to come from a committee of which Stevens was chairman, but it must be remembered that the opposition in Pennsylvania was considering the national unity of parties opposed to the Democrats, and was therefore more careful than ordinary. However many of the leaders of the Antimasonic movement in the State were soon to become out-and-out abolitionists, as would be expected from such natural extremists.

^aJunata and Union meetings, Pennsylvania Reporter, February 24, 1835. Pennsylvania Intelligencer, February 23, 1835.

^bBoston, November 26, 1835. Pennsylvania Reporter, January 5. Pennsylvania Telegraph, December 9, 1835.

and that the attempt to exercise it would constitute an usurpation of power, pregnant if tolerated by the people, with mischief infinitely more fatal than those which it was intended to remedy."^a These last few words were wormwood and gall to the fiery Stevens. Able politician though he was, he yet could not be reconciled, and determined to throw his weight in favor of Webster.^b

When the State convention took place (December 14, 1835), the Harrison men, who were in the majority, effectually opposed a recommendation to send delegates to an Antimasonic national convention, and nominated Harrison for President and Granger, the former New York gubernatorial candidate, for Vice-President. These nominations were not made without a struggle. When it became evident that such a course was to be pursued, the radical Antimasons, like Denny and Stevens, entered their protest against such a step, and finding a majority determined upon the measure, withdrew from further participation in the proceedings.^c

Soon after, the seceders met and approved of holding a national convention on May 1, and appointed delegates to it. These delegates included Stevens, Denny, and Ellmaker.^d They also issued an address which is interesting because of the light it throws upon Antimasonry in Pennsylvania. After saying that the delegates to the previous meeting had disobeyed the call, the object of which was to nominate delegates to the national convention, the address said:

A Masonic Whig or Harrison convention was called to meet in Harrisburg at the same time with the Antimasonic convention. It met and organized by electing a Masonic president, and one or more Masons, vice-presidents. A large number of their body were adhering Masons, and most of the others the strenuous defenders of the lodge. A regular inter-communication was kept up between the members of the Masonic and such of those of the Antimasonic convention as were privy to the plans of both. James Todd, esq., who, it was well known, was to be appointed attorney-general under the new administration, caused his son, as is believed, who was a delegate, to create a vacancy, and came into the convention as his substitute, notwithstanding the solemn remonstrances of those who believed that the purity of deliberative bodies could be preserved only by excluding from them all official influence. It is ascertained that

^a Pennsylvania Reporter, January 8, 1836.

^b See in this connection Adams's Diary IX, 273.

^c Pennsylvania Reporter, December 18, 1835. Niles's Register, XLIX, 177, 287. American Daily Advertiser, December 17, 18, 19, 1835.

^d Pennsylvania Reporter, December 22, 1835.

sixty-four members of the convention were applicants for office, either to the governor or attorney-general for themselves or relations. Mr. Todd was believed to possess the special confidence of the governor, and was known to hold the patronage of more than fifty appointments. Without any authority, and as we believe in express violation of the feelings and intentions of the governor, he had induced the belief, that the sure road to Executive favor lay through the immediate nomination of General Harrison without regard to his political Antimasonry. * * * The coalition with the Whig convention was completed, and resulted in their joint nomination of the same candidates for President and Vice-President. * * * A motion was made to read the instructions of the several counties to their delegates, which was opposed by the amalgamation party, and rejected. We shall not pretend to state what occurred in the Masonic convention, as it sat with closed doors a considerable part of the time. After General Harrison was nominated, Mr. Gest offered the following resolution, which was rejected by a large majority: "*Resolved*, That if Gen. William H. Harrison will give such unequivocal expressions—declarative (if elected to the Presidency of the United States) that he will not knowingly appoint adherents of oath-bound secret societies to office—that such expressions will be evidence that he is sufficiently Antimasonic to be the Democratic Antimasonic candidate for the Presidency of the United States and consequently, as such, ought to be unanimously sustained by the Antimasonic party of Pennsylvania." It is firmly believed that every true Antimason in the State will refuse to sanction this coalition, but hold himself bound by the decisions of the national convention about to be held. In addition to the sixty-four applicants for office, the convention contained, as we believe, twenty-four Whigs and one Mason. Fellow-citizens, after much toil and some suffering in your company, in defense of "equal rights," we had hoped to be permitted to repose from our labors. But the enemy has assumed a new, and most dangerous shape. Permit us therefore to exhort you to buckle on anew your armor, as we have already done, to meet and again overthrow the evil monster whose slightest touch is pollution. Signed, Thaddeus Stevens, W. W. Irwin, Samuel Parke, committee of delegates."

They were sustained in their position by the radicals throughout the State and particularly in the west. Repeated calls went up for the dismissal of Todd,^b and it seemed for a while that another nomination would be made, but the action of the other States was not favorable to a convention, and Harrison had to be sustained, although it is probable that he lost many votes through the spirit engendered.

The campaign of this year showed an increase of the anti-Catholic spirit that appeared in the previous election. Martin Van Buren was declared to be a correspondent and eulogist of

^a Pennsylvania Reporter, January 5, 1836.

^b Allegheny County meeting, December 26, Pennsylvania Reporter, January 5, 1836.

the Pope and a friend of many Catholics. These insinuations were used effectually among the severe Presbyterians of the western part of the State.^a

The State elections resulted, according to Whig accounts, in the election of three Whigs to Congress and four Antimasons. Eighteen of the senate were classed as "Whigs," "Antimasons," and "State's Rights Democrats,"^b while eleven of the lower house are called "Whigs," and twenty "Antimasons." The Antimasons came from the west and from Philadelphia City.^c It was apparent that in spite of all their tactics, their popular measures, and their gerrymandering,^d the party was badly beaten, and, above all, Stevens was not returned.^e

Some of the attempts made by the coalition to explain its defeat are, to say the least, very weak. The Chronicle ascribed its defeat to the fact that the party, which was composed of so many German farmers, could not gather its voters at the polls because "the day of the election comes at a bad season * * * just at a time when their buckwheat and seeding must be attended to."^f

The real fundamental cause of the defeat, however, was due, no doubt, to Stevens's arbitrary measures in the legisla-

^a A sample of this spirit can be seen from the following: "Van Buren and the Pope! * * * now for the first time a candidate for the first office in the Union, comes before the people, as the correspondent of the Pope of Rome, as the fawning sycophantic flatterer of a foreign tyrant—for the purpose of arraigning one religious denomination against another—of making a sectarian party in politics, and of securing the influence of what he impiously calls the 'Holy Father' upon the Catholics of the United States, to unite in a body, in politics. * * * In a letter to the Pope, Martin acknowledges the Pope to be the 'head of the great Christian Church' and offered 'congratulations to the Holy Father upon his recent accession to the tiara!'" Pennsylvania Intelligencer, September 15, 1836. For similar remarks see same paper, October 17, 1836. Allegheny County meeting, November 11, 1835. Boston Independent Chronicle, November 21, 1835. American Daily Advertiser, September 14, 1835. See also Wilson's History of Pittsburg. The Antimasonic spirit with its own peculiar patriotism furnished a good basis for the anti-Catholic Know-Nothing movement of the future. This was the period, it must be remembered, of the publication of "Awful Disclosures of Maria Monk," the troubles over the convent in Pittsburg, and a little earlier (1832) the burning of the Charlestown convent in Massachusetts.

^b Democrats who were opposed to the distribution of the surplus revenue among the States. It was held that it would give the Federal Government control over the States. They were generally anti-Van Buren Democrats.

^c Harrisburg Chronicle (Whig), October 26, December 7, 1836. It is hard to tell just what the politics of the papers were at this period, they swung around so rapidly. There were ten newspapers in Harrisburg, although it was but a town of about 5,900 people.

^d There were several gerrymanders during the period discussed by this paper, but the limits of the work forbid any study of them here. See Harrisburg Chronicle, June 8, 1836.

^e For that matter, Dallas and William Wilkins were both defeated for Congress.

^f Harrisburg Chronicle, October 26, 1836

ture with regard to Masonry, and to the fact that the investigation ended in such a fiasco. Coupled with this was the dissatisfaction of many of those who did not participate in the benefits derived from the chartering of the Bank. Many felt that their particular enterprises had been slighted or discriminated against by the administration. Considering the great works projected, it is easy to realize how nearly all were dissatisfied. No doubt also a great many votes were lost because of the charges of corruption which had marked the struggle for the incorporation of the Bank. Conservative and careful business men doubtless saw the inevitable result of the policy pursued, and used their influence against it. Many of the conservative Germans could not but be alarmed at the condition of affairs, and consequently withheld their votes or threw them against the State administration.

In the Presidential election, however, in spite of the divisions, Harrison polled 86,784 votes to 91,383 cast for Van Buren. He carried the counties of Adams, Allegheny, Bedford, Beaver, Bradford, Bucks, Butler, Cambria, Chester, Delaware, Dauphin, Erie, Franklin, Huntingdon, Indiana, Lancaster, Lebanon, Mercer, Somerset, Union, and Washington, and Philadelphia city. The Germans again showed that although they may have been rebellious upon State issues, yet in Presidential elections they were good Democrats at heart.^a Of the counties recognized as German counties, but Lancaster, Somerset, Dauphin, Lebanon, and Union threw their votes for Harrison. The old Muhlenberg districts gave very strong majorities against him.^b The northern part of the State was on the whole Democratic.

The election plainly showed that the elements of opposition had become solidified, and that Antimasonry was practically absorbed into the new Whig movement as far as national questions were concerned. In State matters it was yet to make one more final struggle before its complete overthrow and absorption into the triumphant Whig party of the future.

^aThe Wolf party had ratified the Baltimore nomination of Van Buren and Johnson, and this took the wind from the sails of the Muhlenberg movement. At their convention January 8, 1836, they, too, ratified the electoral ticket.

^bThe vote in Berks was 4,967 to 1,584; Columbia, 1,560 to 544; Northumberland, 1,421 to 712; Schuylkill, 1,380 to 687; Perry, 1,107 to 473. Official returns, Harrisburg Chronicle, November 23, 1836.

CHAPTER XVI.—THE YEAR 1836-37—THE BANK, IMPROVEMENTS, AND ABOLITION.

As usual after a general election the political excitement subsided somewhat in the year 1837. This may be also attributed to the great strength of the Democratic party in the lower house, and perhaps still more to the fact that Stevens was not returned to the legislature.

The State treasurer having still a great amount of money on hand, it is not surprising that a desire should be felt for its disbursal among the different improvements. Ritner, in his annual message, mentioned those improvements which seemed to him to demand the greatest attention. One of these was the long-contested Erie extension. This work had from time to time received dribblets, which served but slight purpose. Even the previous legislature had not provided completely for its needs. Ritner said of it:

The extension of the main line of canal to the harbor of Lake Erie has the strongest claims to the attention of the legislature. This work will complete the original plan of a connection between Philadelphia and Lake Erie, and will throw business upon the whole length of the improvements between these points. Though the amount of business upon the line will not be so great as upon other sections of the canal, yet the profit to the State will be equal to any. This will be caused by the description of articles to be transported upon it. They will be mainly merchandise from the seaboard for the West and Northwest, to the early shipment of which upon the lake, the harbor of Erie offers peculiar advantages; and the heaviest articles of produce seeking an Atlantic market, for whose transportation this route to Philadelphia, composed as it chiefly will be of canal, presents the greatest facility."

As will be remembered, this plan accorded with Ritner's original ideas and with the ideas of those Philadelphians who wished direct connection with the Great Lakes.

In the claims for the money in the treasury every little

^a Franklin Repository, December 20, 1836.

crossroads speculation, every proposed railroad, beginning nowhere and ending nowhere, every private company of almost any sort cried for its share. The bill as it was drawn up provided for so many different works that if they were all carried to completion they would increase the State debt, it was estimated, from \$24,330,000 to \$45,120,000.^a The proposed appropriation itself was over \$3,000,000. "It is, in fact," says the *Intelligencer*, "a bill to distribute the surplus revenue among the people for internal improvement, and we do not know how it could be better expended."^b The Erie route was to receive \$400,000, the North Branch \$100,000, and the Gettysburg Railroad \$150,000, and nearly all the rest went to turnpikes and proposed railroads.^c

The bill finally passed both houses, the southeastern members, as a general rule, opposing it.^c Ritner, however, vetoed it on the grounds that—

(1) Its main feature is the distribution of the great portion of the present resources of the Commonwealth, among works not owned by the State, and its consequent withdrawal from the future prosecution of the public works and from the present decrease of the State debt. (2) It bestows on capitalists and speculators the money which is the property of the whole people, thereby enriching individuals and sections, to the injury of the rest of the community. (3) It not only thus fritters away the means which should now otherwise be applied, but by enabling the companies who are the recipients of its liberality to commence and prosecute works which they will not be able to complete, it embarks the State so far in those works that she will at no distant day be compelled to increase her present debt for the purpose of finishing them, or lose what is now proposed to be given. (4) It will increase the State debt in four years to \$45,000,000, etc.^d

The veto was sustained, although the vote stood 47 for the bill to 45 against it, but, as a two-thirds vote was necessary, the State escaped this misfortune. An analysis of the vote shows no particular party division, the south and southeastern German sections generally voting against the bill, while the city of Philadelphia, the home of so many speculative enterprises, voted for it.^e

An important and significant part of Ritner's message dealt

^a *Franklin Repository*, April 11, 1837. See also *Pennsylvania Intelligencer*, March 23, 1837. *Wilson's History of Pittsburg*, 785.

^b Quoted in *Franklin Repository*, April 4, 1837.

^c *Franklin Repository*, April 11, 1837.

^d *Franklin Repository*, April 11, 1837. *Niles Register*, LII, 104.

^e *Harrisburg Chronicle*, April 5, 1837.

with the proposed Gettysburg Railroad. Many plans had been made to construct railroads through the southern counties which would connect with the Baltimore and Ohio system to the west and in some degree restore to these counties the prestige lost since the coming in of the canal route. These efforts had met with strong opposition from Philadelphia and those interested in the canal to Pittsburg.^a Stevens now stepped forward as the champion of the new scheme,^b and Ritner, in order to placate the southeastern section of the State, mentioned the matter favorably in his message.^c As we have seen, the canal bill was defeated and the scheme for the present remained in abeyance.

As to Antimasonry itself, the governor in his message, after denying Washington's active support of the Masonic order, said:

What was comparatively restricted and harmless in his day has assumed the dangerous character of regularly organized oath-bound, secret-working, widespread, and powerful societies. Of these * * * the society of Freemasonry is the fruitful mother. Their efforts are: The propagation and support of principles and doctrines by concentration of influence, * * * to the justification or even avowal of which individual character and responsibility would shrink; the disregard of all law and right, both constitutional and legislative which, if unchecked, is the sure precursor of anarchy and the first step to despotism; the demoralization of society by the administration of unlawful and wicked oaths, which, if kept, produce the result for which they were intended; and if broken, accustom our citizens to make light of that which is the great agent of justice, and one of the bonds of society: the promotion of monopoly and prostration of the

^a Pennsylvania Reporter, March 19, 1830, January 24, 1832, April 7, 1835.

The Philadelphians were against many of the first railroad schemes because they were designed to run south and consequently might take trade away from Philadelphia. The Gettysburg Railroad was designed to run from that city to the west, and consequently found favor with a large body of the business interests which were not satisfied with the canal, which, at the most, could run only part of the year and was constantly breaking down, besides causing a costly reshipment at the Allegheny portage.

^b Pennsylvania Reporter, April 7, 1835. He had tried to get an appropriation of \$75,000 in the previous legislature, but had failed. He was afterwards elected president of the company which was known as the "Wrightsville, York and Gettysburg Railroad."

^c He said: "It will be perceived that the board recommends an appropriation of two hundred and eighty thousand dollars to the Gettysburg Railroad. This improvement is intended to connect, westwardly with the Baltimore and Ohio Railroad and the Chesapeake and Ohio Canal, and eastwardly by means of the company road from Gettysburg to the Susquehanna at Wrightsville opposite Columbia, with the Philadelphia and Columbia Railroad, communicating through the heart of six of the southern counties of the State and terminating at our commercial metropolis. The propriety of such a work, at a time when it can be prosecuted without increasing the public burthens, can not remain a moment problematical, particularly when it is remembered that the counties to be benefited have heretofore derived no advantage from the State improvements." (Franklin Repository, December 20, 1836.)

uninitiated man of business. These inevitable and indisputable results are sufficient to arouse, and, I have no doubt will receive the attention of the legislature. Permit me to recommend the subject to your early and deliberate consideration. At the last session it was partly acted upon. The question of the constitutional right of the legislature to investigate and legislate on the subject of secret, oath-bound societies was settled, after a full and deliberate discussion. You meet under different and, permit me to say under peculiarly favorable auspices for the final disposal of this unpleasant matter. Whatever you do will not be attributed to party zeal or excitement. You have in your power by a full investigation of the nature of secret societies, and by the passage of proper laws for their suppression or control forever to remove the stumbling block. The people of the State expect the emergency to be met by the legislature, not as partisans, but as freemen, determined to perform their duty to the country, regardless of mere political consequences, and of every obligation except those which bind us all to the support of the Constitution and the laws.^a

As might be expected, the Democratic majority did not see fit to carry out these suggestions, but on the other hand called upon the governor to explain the basis of his opinions upon Washington. This he did in a most able document which the house did him the justice to have printed.^b

The increasing agitation throughout the country on the question of slavery found many champions among the Antimasons of Pennsylvania, especially among the Quakers. This agitation had greatly increased in the last two years.^c Governor Ritner in his message charged the Democrats with "basely bowing the knee to the dark spirit of slavery." This statement aroused the ire of not only the Democrats, but also of many of the Whig allies of Antimasonry, seeking, as they were, to form a strong united party North and South.^d Says the Democratic Pennsylvania Reporter:

That this is the hobby [abolition] which the friends of the existing State administration now intend to mount for the purpose of retaining their ill-gotten power can not be disputed. * * * The decided ground assumed by Governor Ritner in his message, * * * the incendiary articles which have from time to time appeared in the organ of his administration here, * * * the vehemence with which Mr. Stevens

^a Franklin Repository, December 20, 1836.

^b See Vindication of General Washington, printed in Boston, 1841, by Ezra Lincoln. It contains the proceedings as well as the document communicated to the house on March 8. See also American Freemason, Louisville, II, 106, for Masonic account.

^c Says the Pennsylvania Reporter: "The publication of Dr. E. W. Channing's eloquent and powerful though visionary letter in favor of Abolition has infused a new spirit into the hearts and movement of the Abolitionists of this quarter." Pennsylvania Reporter, January 31, 1837.

^d The Pennsylvania Intelligencer, one of the strongest Whig papers, was decidedly proslavery.

and Mr. Burrowes,^a his excellency's confidential advisers, are urging the promulgation of their dogmas, and the fidelity with which the presses owned and controlled by officeholders in various counties of the State reecho the doctrines, and obey the orders of the masters, all combine to show, that this is hereafter to be regarded as the leading policy of that body of individuals who formerly ranged themselves under the equally proscriptive but less bloody banner of Antimasonry.^b

The Antimasons agitated the matter in the legislature, but, as was to be expected, with no result. A bill introduced by them to give jury trial to fugitive slaves was defeated.^c They seem, however, to have stood quite solidly together on these measures.

It was but natural that the Democrats, now in the majority, would do what they could to destroy the Bank, and accordingly a resolution passed the house for the appointment of a committee to make certain inquiries touching the management of that institution and the mode by which its charter was obtained.^d Stevens was called before the committee and testified that one of the reasons for the chartering of the Bank was that Ritner was elected upon an implied promise to his political friends that neither the State debt should be increased nor taxes imposed,^e and that consequently the chartering of the Bank furnished a means of fulfilling his promise. He vigorously protested against the investigation, and it was no doubt largely by the influence of his great powers that the report of the majority and the minority of the investigation committee acquitted the officers of the Bank and the members of the legislature of having used corrupt means to procure the act of incorporation.^f

The Democrats had failed to injure the Bank in this manner, but new strength was soon added to their cause by the suspension of specie payment by the banks of Pennsylvania on May 11. The proposed issue of paper money aroused a storm of protest throughout the State, and matters were so alarming and the distress so great that pressure was brought to bear upon the governor to convene the legislature for an extra

^a Thomas Burrowes, afterwards noted for his great work in building up the school system of the State, now one of the most prominent Antimasons.

^b Pennsylvania Reporter, January 31, 1837.

^c Niles Register, LII, 34.

^d Harrisburg Chronicle, January 25, 1837.

^e Harrisburg Chronicle, March 1, 1837.

^f Niles Register, LII, pp. 69, 94. The report of the majority held that the State could annul the charter if it so wished, while the minority denied this power.

session. This the governor did not do, and in his message relating to the matter he reviewed the situation and showed how useless temporary laws such as stay laws or any other makeshifts of the moment would be.^a

A resolution instructing the delegation to Congress to use their influence against any measure which would interfere with the rate of duties passed through the house by a vote of 56 to 22. It is significant of the attitude of Pennsylvania toward the Democratic party that such a motion should have been passed by such a majority in a Democratic house. The opposition came from the strong Democratic counties, such as Berks, Philadelphia County, and Westmoreland.^b

The campaign resulted in the election to the senate of 18 members of the Antimasonic-Whig party and 40 of the same party to the lower house. Stevens was returned again for Adams County.^c It was a great gain over the previous election, but still it did not give the united party the necessary majority in a combined vote, although it had a majority in the senate.^d

^a Niles Register, LII, 200. See also Wilson's History of Pittsburg, 785.

^b Harrisburg Chronicle, February 1, 1837.

^c Pennsylvania Reporter, October 27, 1837.

^d The majority in the senate was due to a great extent to the redistricting plan put in operation by the Whig administration of 1836.

CHAPTER XVII.—LEGISLATIVE ISSUES AND THE ELECTION OF 1838.

Upon the opening of the legislature, Burden, a Whig, was elected chairman of the senate by a vote of 18 to 11, while the Democrats elected a speaker in the lower house by a vote of 53 to 42.^a

The legislature found itself with an unexpected balance of over \$2,000,000 in the treasury, thanks to the veto in the previous session. This was a tempting state of affairs to the different enterprises which were being hurried forward in the State. The same spirit which had characterized the previous house took possession of this one, and an act was passed appropriating a large amount for repair and expenses and continuing the work on the Erie extension and also on the North Branch Canal and the Gettysburg Railroad. The governor in a message pointed out that the bill contained appropriations entirely inadequate for some portions of the work while other portions, whose needs were not so urgent, received the full estimated amounts. He pointed out also that the railroads, and especially the Gettysburg Railroad, did not receive sufficient amounts.^b

The bill became a law, however, without his signature. The Gettysburg Railroad appropriation was not decided until March, when it was finally passed by a vote of 55 to 38. Millions were squandered on turnpikes, railroad and canal companies, and enterprises of all kinds. Philadelphia City voted for the Gettysburg Railroad, but Philadelphia County gave it only one vote; a sufficient number of Democrats from the north and west supporting the project to make the appropri-

^a Niles Register, LIII, 325.

^b See message, Harrisburg Chronicle, January 13, 1838. See also *ibid.*, January 10, 1838. American Daily Register, January 13, 1838.

ation a surety.^a Though the measure could not have gone through without Democratic votes, yet it was made one of the chief grievances against Ritner in the coming election, it being alleged that he was under the control of Thaddeus Stevens in this matter.^b

That the Democrats had not ceased their efforts against the banking system was made apparent by the introduction of a bill for the regulation of banks, especially in regard to the issuing of notes and the resumption of specie payments. The suspension of specie payment of the previous year, together with a flood of paper money, formed good grounds for the regulation of this business. In spite of meetings protesting against the bill, "because if it become a law it will compel many of those institutions [banks] to wind up their affairs and require payment of debts due to them without allowing such indulgence in the periods of payments, as the circumstances of their debtors in most instances will absolutely require,"^c the bill passed the house by a vote of 56 to 40, the opposition being either Whigs or Antimasons, except one member (Reed) from Philadelphia County.^d It was defeated in the senate by a vote of 17 to 13.^e

The resumption of specie payments by the New York banks had raised such a clamor in Pennsylvania^f that the banks decided on June 5 to resume payment on August 1. The United States Bank, or, as it was called in derision by its opponents because of a previous utterance of Ritner's, the "Balance Wheel," voted against this move. Ritner accordingly issued a proclamation requiring "all banks of the Commonwealth, on or before the thirteenth day of August * * * to resume and continue the redemption of their respective notes, bills, and other obligations in gold and silver coin, according to the

^a Pennsylvania Reporter, March 20, 1838. Niles Register, LVI, 72. American Daily Advertiser, March 19, 22, April 6, 1838. It received \$195,000. For other matter relating to the railroad, see American Daily Advertiser, December 9, 13, 16, 1837 and January 11, February 8, 9, 17, 1838. For appropriations to improvements see Laws of Pennsylvania, 1837-38, acts No. 4, 74. Act No. 74 received the governor's signature and carried by far the larger appropriations.

^b Account of Center County Democratic meeting. Pennsylvania Reporter, February 6, 1838.

^c Lebanon meeting. Pennsylvania Intelligencer, March 7, 1838.

^d Pennsylvania Intelligencer, May 2, 1838. Pennsylvania Reporter, April 31, 1838.

^e Pennsylvania Reporter, May 11, 1838. See also *ibid.* February 2, March 6, 1838. The Whigs introduced a bill to allow the banks to issue notes under \$5, but failed because of the Democratic majority in the house. Pennsylvania Reporter, July 26, 1838.

^f Pennsylvania Reporter, April 27, July 20, 26, 1838. Franklin Repository, May 1, 1838.

true intent and meaning of their charters." It was also required that "all persons or bodies corporate who have violated the laws of the State by the emission and circulation of notes of any denomination under five dollars, commonly called 'shin plasters,' to take instant measures for the full and honest redemption of the same * * * under penalty provided in such cases."^a

The abolition question came up again in this session upon a petition presented by a member from Chester asking for the use of the hall of the House of Representatives to deliver lectures on the "Rights of Man." It was defeated by a vote of 56 to 27. An analysis of the vote shows that these 27 were nearly all Antimasons. Many Whigs voted against it. But one man from Philadelphia city, the Whig stronghold, voted for it.^b

A bill of this session which clearly showed the tendency of the Democrats of Pennsylvania to differ with the national leaders upon party questions was the bill instructing the Pennsylvania delegation to move for a postponement of the subtreasury bill then before Congress. This passed the house by a vote of 51 to 49, the Whigs and enough Democrats to carry it voting for it.

The campaign which followed these events was the most exciting in the history of the Antimasonic party in Pennsylvania. The racial element was prominent from the first. The

^a Proclamation of July 10. *Pennsylvania Reporter*, July 20, 1838. *Niles Register*, LIV, pp. 304, 320. The question of doing away with the Bank was discussed in the constitutional convention, but nothing was done. *Harrisburg Chronicle*, January 5, 1838. For further matter relating to the Bank in Pennsylvania politics see *American Daily Advertiser*, January 11, 12, 16, 24, 25, February 3, 23, December 8, 13, 22, 1837; and January 10, February 26, March 5, 15, 1838.

^b *Niles Register*, LIII, 354. "That Governor Ritner," said the *Pennsylvania Reporter*, "is entitled to take rank among the abolitionists of Pennsylvania we presume will not at this late day be doubted. If his private sentiments be thrown entirely out of view, his public acts, his appointments to high and responsible stations of individuals notorious for their zeal in the cause of abolition and its consequence of amalgamation, leaves no room for doubt. He stands before the freemen of this Commonwealth as a candidate for their suffrages, and the fact of his being a collaborer in a cause so disorganizing in its tendencies, to the political institutions of the country, as the spread of abolitionism must be; and so repulsive to public feeling and public morals as amalgamation, evidently must not be lost sight of in the canvass." *Pennsylvania Reporter*, May 25, 1838. Many Antimasons, however, denied the abolitionist tendencies of their party. See Dauphin County Antimasonic convention. *Pennsylvania Intelligencer*, August 21, 1838. It was not so popular among the Germans on the whole as it was with the Quakers and the New England element. In the vote just mentioned some members from Lancaster voted against it. See also *American Daily Advertiser*, January 14, 19, February 2, 3, 1837; and January 20, February 1, 5, 1838.

Whigs and Antimasons again put Joseph Ritner forward as their champion, while the Democrats nominated David Rittenhouse Porter, of Huntingdon, one of the Democrats who had voted with the Whigs for the postponement of the subtreasury bill. He was an iron manufacturer and had been in the State senate in the session of 1836-37. As he was of Scotch-Irish extraction, the Whigs tried to turn the German vote against him, and immediately upon his nomination their papers raised the cry of "conspiracy against the Germans," and pointed out the fact that only a few Germans were delegates to the convention.^a

Everything that had happened to the State was loaded upon Ritner by the Democrats. "Since Joseph Ritner came into power," said the Reporter, "he has received, in addition to all the ordinary revenue of the State, a large amount in the shape of bank bonuses, and near three millions from the General Government, * * * yet not a mile of additional

^a Pennsylvania Intelligencer, March 10, 1838. See, also, Harrisburg Chronicle, March 5, 9, 1838. Niles Register, LIV, 16. It was obviously sound political policy to cause another split in the Democratic party. As Porter was a Democrat of the Wolf stripe it was hoped to split off the former German supporters of Muhlenberg. The German vote was appealed to in every manner. It was asserted that "ever since Joseph Ritner has been placed in the executive chair he has been systematically slandered and abused, and through him the Germans of Pennsylvania. The most opprobrious epithets have been heaped upon him, and them, originating in that peculiar hatred which is entertained by a portion of our population against German citizens. * * * When the Germans of Pennsylvania are thus treated, the native Germans—the quiet, steady, and sober farmers of the greatest portion of the State—it becomes them, as men who love their language and their institutions, to hurl back with scorn the foul imputations attempted to be cast upon them and to rise in their might in support of German interests. * * * Joseph Ritner is a German born of German parents in the German county of Berks. Will not the German farmers flock to his support in opposition to a candidate of but doubtful character, a portion of whose supporters always make it a point to ridicule and defame the German name?" Yes; they will this year show that the German farmers will not tamely submit to the calumnies of their bitter enemies any longer." Lebanon Courier, quoted in Pennsylvania Intelligencer, August 31, 1838. A great deal of this was inspired by the attacks made upon Ritner under the title of letters to his "Kitchen Cabinet," which were printed in some of the Democratic papers and which were imitations of the famous Maj. Jack Downing letters about General Jackson. Ritner, like Jackson, was pictured as an uneducated and unstatesmanlike figure, depending upon his "Yankee Kitchen Cabinet," composed of Stevens, Burrowes, Todd, and Penrose. The Democrats had many able writers who replied to the pro-German articles in like strain. The following is an instance: "'Our German Administration.' This is the war cry of the present humbug State administration. Does a man laugh at one of Governor Ritner's simple messages, he forsooth abuses the Dutch. Does he scoff at the palpable humbug of the last proclamation, he opposes Dutch measures. Does a friend of General Porter salute the secretary of the land office with 'Wie Gates?' he thereby makes light of the Dutch. If we were not almost all Dutch in Pennsylvania, means so vile, as are in daily use to convince us that Governor Ritner's men and measures are not all Dutch would not be made use of. His excellency's measures may be all German for aught he or anyone else can understand them, * * * but it cannot be so easily proven that his men are the very 'perl druck of Dutch.'" Pennsylvania Reporter, July 20, 1838.

improvements has been brought into use, * * * the State debt has been increased, * * * the treasury is bankrupt, not having sufficient funds to meet the demands of the appropriation bill, * * * and the next legislature will be compelled to resort to a permanent loan or stop the public improvements."^a Ritner thus entered the race handicapped by being made the scapegoat of the extravagance and speculative spirit of the time, to circumstances which owed their origin fundamentally to national and not State issues.

Never in any election so far considered were there more reckless accusations, blatant falsehoods, obscene poetry, and general bitterness displayed than in that of 1838. Ritner was accused of being the tool of designing politicians for corrupt ends and of being under the thumb of Stevens, whom he had appointed president of the board of canal commissioners.^a The Gettysburg railroad, pictured in the form of a letter S, nicknamed the "Tapeworm," and ending at Stevens's iron works, was exhibited in all the leading Democratic papers; the church people, too, were warned that there was a "Deist" in the executive chair; in short, every sort of device was used to belittle and degrade him in the eyes of the people.

But if Ritner was abused, Porter was even more abused by the artistic and ever-ready hands of Theophilus Fenn and his fellow editors. He was accused of being grossly immoral and of having illegitimate children, and supposed letters from them were published in the papers with all sorts of ribald poetry and comments. He was accused, too, of being a forger and a swindler and the papers were full of affidavits on both sides of the question. Political elections are notorious for such as the above, but the election of 1838 in Pennsylvania will rank as one of the worst in American history in this respect. It is but natural that this boiling caldron of political excitement should have led to the contested election, and the mob law and violence, known as the "Buckshot War," the result of which left the Democrats triumphant and the Antimasons as a political party crushed out of existence.

^a Pennsylvania Reporter, May 25, 1838.

CHAPTER XVIII.—THE BUCKSHOT WAR.

What is known as the Buckshot war was the outcome of election difficulties in Philadelphia County. Conditions were such that if either party succeeded in electing its candidates to the lower house, it would have a majority in that body. There never was any question but that the senate was Whig, and, consequently, the election of Whigs or Democrats to the senate from this county made no difference, and was but a minor point of contention. It made no difference either as to the number of votes cast for Ritner or Porter, as whatever the results in this county, Porter was elected.^a The main struggle, then, was over the legality of the votes cast for members of the lower house—each party claiming that it had elected its candidates.

Of the troubles in Philadelphia County, and the right or wrong of the case, it is impossible to give a clear account. There is no doubt but that both sides used illegal methods at the polls, and the returns thus obtained were supported by partisan officials. After the election board had met, a disagreement over the results occurred, and the Whigs held a meeting of their own. At this meeting a return was made out and forwarded to Harrisburg by express. By this return the Whig ticket was declared elected. Burrowes, the secretary of the commonwealth, received this return in due form and in a legal manner, while the return from the Democratic judges was received by an agent of the sheriff and not by that official in person. Burrowes considered that he could do nothing but acknowledge the returns received in the most legal form.

The district concerned particularly was Northern Liberties, which the Whigs claimed by 1,000 votes. Some of the votes

^aThe Whig account says by 5,496 and the Democratic 9,152. See *Pennsylvania Reporter*, October 26, 1838. *Pennsylvania Telegraph*, October 10 (?), 1838.

for this district had been lost and trouble of a complicated nature had arisen, consequently the judges by a vote of 16 to 7 had declared that the whole district vote should be thrown out. This elected the Democratic ticket. The Whigs contended that the judges could not do this, but that it was a matter for the legislature to decide upon as a contested election.^a

There seems to be no denial that the Whigs acted within the technical meaning of the law, and there is no doubt but that the secretary had a technical right in considering the returns which he received in the legal manner as the correct ones. But who was to decide on the correctness of these returns? If the members designated by these returns were allowed to take their seats, it would put their party in the majority temporarily, and they could then easily vote their party in the majority permanently. Stevens claimed by a very clever argument that this should be the manner of proceeding. According to him, the house was not a house until its members were sworn in, and the only way to organize it was to swear in the members who had been designated in the legal returns. "Until then," he said, "no parties exist between whom to form the issue. It is absurd to say that the *prima facie* decision of the contested seats in the house of representatives can be postponed until all the undisputed returns are read and those members decide the disputed ones; because until the speaker is elected and the members duly qualified they are not a body competent to entertain any question. * * * Everything anterior to that is a mere consentable agreement among so many gentlemen. And by the constitution and laws there must be one hundred members capable of voting for speaker and taking their seats at the organization. If the disputed seats are to be postponed until such organization is perfected, it would be easy to defeat it altogether, by contesting all the seats and leaving none as umpires. * * * The house is competent to take no vote as to the right of members to seats. They must, in every instance, be sitting members upon the returns furnished by the secretary of the Commonwealth; and the only way which they can be unseated, is by a petition presented by the claiming members, and that petition referred to a committee se-

^aStevens's address to citizens of Adams County. Pennsylvania Telegraph, January 17, 1839. For Democratic account see Pennsylvania Reporter, October 26, 1838.

lected by lot, according to the act of 1791; whose report is final and conclusive."^a

As the time approached for the organization of the legislature, wild threats were made on each side. The Democrats said that if the Van Buren members did not have their seats upon the first day of the session, "twenty-thousand bayonets should bustle at Harrisburg." Threats were made that Secretary Burrowes would be punished for not turning the election returns over to the clerk of the house of the previous session upon his demand^b and for stating that the election should be treated as if there had been no defeat.^c

As the time drew near the Democrats began to organize their forces. Squads of men came from Philadelphia, "committees of safety" were formed, leaders appointed, and everything made ready. The result was that upon December 4, the day upon which the legislature was to meet, the little town of Harrisburg was full of armed belligerents, most of whom came from Philadelphia County. When the session of the house began on that day, the hall was crowded to the doors with outsiders.^d

The secretary of the commonwealth appeared and announced to the house that he delivered to them "the official returns of the late election for members of the House of Representatives." The clerk read these till he got to the county of Philadelphia, when a member arose, and pulling from his pocket a paper, said it contained the certified legal returns. After commotion

^a Stevens's address, *ibid.*, Pennsylvania Telegraph, January 17, 1839.

^b Pennsylvania Reporter, November 3, 1838.

^c Niles Register, LV, 205. Mr. Rudolph Kelker, a prominent citizen of Harrisburg, now living, was an eyewitness to many of the transactions of the time, and has a great amount of literature upon the subject. He is perhaps better fitted than anyone else living to write a correct history of the events. Much of the present account is based upon his corroborative testimony. Dr. Egle's account in Pennsylvania Magazine of History, XXIII, is not to be trusted, as he was a Mason and gives an unfair account of the matter. He says, for instance, that what Burrowes said was that "the election would be considered as not having taken place," which is not true, as shown by letter in Niles's Register, LV, 205. McCall's Life of Stevens, 51 et., gives a fairly good account of the proceedings; as also does Callender's Life of Stevens, Chapter III.

^d Stevens in his partisan language describes them as follows: "An unusual number of people filled the galleries and lobby. Several of the aisles, and the open space in front of the speaker's chair, were choked up with rude-looking strangers and the chairs of several members were surrounded with rough brawny bullies. My seat had the honor of being guarded by eight or ten of the most desperate brawlers of Kensington and Spring Garden, who thrust themselves determinedly against my chair, and when I left it occasionally, one of them occupied it until my return. Most of them wore coats with outside pockets, in which their hands were generally thrust, and it was afterwards satisfactorily ascertained that they were armed with double-barrelled pistols, bowie knives, and dirks." Pennsylvania Telegraph, January 17, 1839.

and heated debate, Stevens proposed that they should proceed to organize by electing a speaker, and that the names returned by the secretary should be called, and then "if any gentlemen thought any other mode legal, they would call such names as they pleased, and if in so doing two speakers should happen to be chosen, they certainly would be courteous enough to find room for both on the speaker's platform until the law decided between them."^a

Accordingly General Cunningham, a Whig, was declared elected, receiving 52 votes, while Mr. Hopkins, a Democrat, was elected by that party. The two speakers proceeded to the platform and occupied it jointly, but as no business could be transacted both houses, now known as the "Hopkins house" and the "Stevens rump," adjourned until the next day at 10 o'clock.^b

The leaders of both parties now proceeded to the senate, which had organized by using the Whig returns. Brown, of Philadelphia County, who was excluded, attempted to make a speech, but was called to order, whereupon a great tumult broke forth in the gallery and lobby, and cries of "Hear him! Hear him!" together with threats against Penrose, the speaker, and against Burrowes and Stevens, who were present. Brown was finally allowed to speak, and loudly and persistently demanded his rights. While he was doing so, the attitude of the crowd became so threatening that the whole proceedings had to be abandoned, and the speaker and his friends had to beat a hasty retreat through the rear windows.^c The crowd then proceeded to hold a meeting in the senate rooms, where excited speeches were made.^d The attempt made by the Whig mem-

^a Pennsylvania Telegraph, January 17, 1839.

^b See Stevens's address, Pennsylvania Telegraph, January 17, 1839. See also Pennsylvania Telegraph, December 13, 1838, for Whig account, and for Democratic account American Volunteer, Carlisle, December 6, 1838.

^c Niles Register, LV, pp. 237, 238, 240. Stevens gives the following account of their escape: "Mr. Burrowes and myself were standing in front of them near the fire. We were urged several times to withdraw as the only means of safety, and of preventing the effusion of blood. * * * Private information was conveyed both to Mr. Penrose and myself, by persons from the crowd, that the ruffians were arranging it to 'stab' or 'knife' us. Mr. Burrowes * * * had left the house by a back window, and as the tumult grew thicker and nearer, after dark Mr. Penrose and myself did the same, and were followed by a large number of gentlemen, senators, and members of the house, as well as others. We had scarcely got behind the Treasury building when twenty or thirty of the mob broke out of the capitol and ran around to the window whence we escaped. On seeing it open, a person present testifies that they said: 'We are a minute too late', and inquired for Penrose." Stevens's address, Pennsylvania Telegraph, January 17, 1839.

^d See address of Whig and Antimasonic senators, Pennsylvania Telegraph, December 10, 1838.

bers of the lower house to hold a meeting was also frustrated by the mob who pulled the temporary chairman from his seat and the scattered fragments of the house adjourned to a hotel.

The whole city now was in the hands of the rioters. Upon a rumor that Ritner had seized the arsenal a savage crowd assembled before it and began an attack upon it. They were calmed, however, by being assured that no arms would be distributed by the governor.^a The mob next organized a "provisional" government which ran things as it pleased.^b The Whig officers did not dare to appear upon the streets, and it was publicly asserted that if they should again try to organize a legislature, Harrisburg "would be smothered in blood."^c

Meanwhile Governor Ritner issued a proclamation in which he described the existing disturbance and state of lawlessness, which he said was encouraged "in person by an officer of the General Government from Philadelphia," and he called upon all good citizens to help to suppress these conditions, and ordered the militia to be in readiness.^d The part of the proclamation calling on the citizens produced no impression, for the sheriff of the county, being a Democrat, insisted in a counter statement that there was no rioting. Accordingly Ritner made a special requisition on Major-General Patterson, commanding the first division of the Pennsylvania militia. He obtained a quantity of the ammunition then used by the Regular Army, consisting of buckshot cartridges, and proceeded

^a Pennsylvania Telegraph, December 6, 1838.

^b Stevens said: "They prefer provisional governments! Next will come the 'revolutionary tribunal' and the guillotine, and these leaders of the 'people' will shine forth the Dantons and Robespierres of the age!" Stevens's address, Pennsylvania Telegraph, January 17, 1839.

^c Statement of Rudolph Kelker: Stevens describes the mob in the following language: "The most respectable of them, the 'Captains of Tens,' were keepers of disorderly houses in Kensington. Then came journeymen butchers, who were too worthless to find regular employment, next professional boxers, who practice their pugilistic powers for hire; low gamblers, who infest the oyster cellars of the suburbs. A portion of them consisted of a class of men whose business you will hardly understand—dog keepers, who in Spring Garden and Southwark, raise and train a ferocious breed of dogs, whom they fight weekly for wages, and for the amusement of the 'indignant people.' Their troop was flanked by a few professional thieves and discharged convicts. These men, gathered up from the holes and hovels, were refitted with such cast-off clothes as their employers could command, and hired at fifteen dollars the head and freighted to come to Harrisburg and instruct the legislature in its duties, and protect their rights." Stevens's address, Pennsylvania Telegraph, January 17, 1839.

^d Pennsylvania Telegraph, December 10, 1838.

to the city with his troops.^a He arrived on December 9, and immediately quieted the opposing forces, although he wisely did nothing to decide the case. Many of the men from Philadelphia, however, were arrested and many more were compelled to leave the town.^b Ritner also applied for the United States regulars stationed at Carlisle, but was refused.^c Patterson's troops stayed but a few days and were superseded by a new detachment commanded by a Whig general.

Quiet having been restored and the houses again organized, the Whig majority in the senate was found to be unquestioned. The question now arose, which house would the senate recognize as legal. As was to be expected it refused to recognize the "Hopkins house" by a vote of 20 to 13,^d but three members of the "Stevens rump" went over to the Democrats, thus giving them the majority and breaking the deadlock. A resolution was therefore offered in the senate recognizing the Democratic house which passed by a vote of 17 to 16 on December 25.^e

Montelius, of Union County, a member of the lower house, stated his reason for changing, as follows:

In joining my party friends in organizing the house of representatives with the eight Philadelphia County members of the Whig party, I thought these had been elected by a majority of the votes of the county, and had been returned by a majority of the judges, but I soon found that this was not true, and that eight members of the opposition party from the county of Philadelphia had been elected by a majority of about five hundred in the whole county, and had been returned elected by a majority of the judges. I am sorry to say that the secretary of the State kept back these returns,

^a From this and from the fact that a negro was caught who was carrying some of the ammunition made by the Whigs at their headquarters, comes the name "Buckshot War." A verse of a popular doggerel of the day, entitled "Last days of Governor Ritner," contains an allusion to the incident:

"Come up and come down,
Come from country and town
And obey the fat Deutchlaender's writ, sir.
Come one and come all
With buckshot and ball
And take care of Governor Ritner."

From *Pennsylvanian*, quoted in *Carlisle Volunteer*, December 27, 1838.

^b *Pennsylvania Telegraph*, December 10, 1838.

^c This was made the subject of a very interesting debate in Congress. See Twenty-fifth Congress, third session, debate in the House of Representatives, Wednesday, December 19. These proceedings and accompanying documents are given fully in *Niles Register* LV, pp. 268, 294.

^d *Pennsylvania Telegraph*, December 19. See also *Ibid*, December 13, 1838.

^e *Pennsylvania Telegraph*, December 27, 28, 1838. January 14, 1839. *Niles Register*, LV, 273.

which I think was wrong. Under the circumstances I could not continue to act with men who had no right to their seats no more than my opponent had to mine.^a

Of the members who changed in the senate, Mr. Strohm explained his act by stating that he could only recognize the house when it was legally assembled, and that he had done so according to his oath, and because he wanted especially to end the matter and restore peace and order.^b

So ended the "Buckshot war,"^c and so ended practically the Antimasonic party in Pennsylvania.^d

It seems from all the evidence that the Democrats did elect their members, but the matter is hidden by conflicting statements and affidavits. Philadelphia County had been Democratic through the whole period, and it was probably so in 1838, although signs of change had been seen in the attitude of Reed, member of the house from that county in the previous legislature, and in the fact that in a special election held there the previous year a Whig had defeated a Democrat for Congress.^e There seems to be no doubt, however, of the culpability of the Democrats in causing the riot at Harrisburg and using illegal and extreme methods.^f

Stevens, fuming over the defeat of all his plans, stayed away from the house in protest until May, filling the papers meanwhile with his denunciations of the Democrats. The house finally expelled him from his seat for using disrespectful language, declaring, too, that he had forfeited it by his long

^a Carlisle Volunteer, December 27, 1838.

^b Pennsylvania Telegraph, January 22, 1839.

^c J. Q. Adams in his diary says of it: "The whole series of these events is a development of our condition of no good omen to the future of our political institutions."—Adams's Diary, X, 65.

^d The Carlisle Volunteer (Democratic) of January 10, 1839, has the following amusing notice: "For Salt River! To sail on Tuesday, the 15th of January [inauguration day under the new charter]. The schooner *Peg Beatty* [a disreputable character whose name his opponents had connected with Porter's in the campaign], with a full cargo of wooden nutmegs and other notions, together with a considerable supply of live stock. The vessel will be commanded by Thaddeus Stevens, and is expected to navigate the headwaters of the aforesaid celebrated river. The following-named persons have also taken passage, viz, Joseph Ritner, Thomas H. Burrowes, Theophilus Fenn, Chas. B. Penrose. * * * The company will be select. No 'bullies' or people with 'ugly noses, ugly looks and no shirt collars' will be permitted to interrupt the delightful harmony of the voyage. An excellent band of music will be provided for the voyage, which will from time to time play the delightful and popular air called the 'Rogue's March.'"

^e Special election, Third district; Harrisburg Chronicle, July 5, 1837.

^f They were charged, and it seems with much truth, of a design to blow up a train load of soldiers on the way to Harrisburg. Niles Register, LVII, 27.

absence.^a He, however, was triumphantly returned by his constituents.^b

The Antimasonic spirit did not immediately die out in the State, but continued to live in the western part, where it was connected with the temperance, antislavery, and anti-Catholic movements, certainly as late as 1855.^c

As compared with New York, we have noted many like conditions. The chief points of difference seem to be the following: (1) The party in New York was composed almost exclusively of National Republicans, while in Pennsylvania a large number were undoubtedly Democrats, as shown by the vote for Jackson. How, then, did the union come about? This question brings us to another great difference. (2) The Antimasonic policy in Pennsylvania was primarily an anti-Wolf policy and anti-improvement policy, in fact, just opposite to what it was in New York. Many Antimasons in the early days, especially among the eastern Germans, were practically Jacksonian Democrats, but in later days were turned by Stevens into anti-Jackson as well as anti-Wolf men. This was the more easily accomplished because of the union of Wolf and Jackson. That this could be done leads us to the third fact. (3) Antimasonry in Pennsylvania was a far more honest and real movement than in New York, and was deeply rooted in the soil furnished by the various radical sects of the State. It was because of this fact that the eastern Germans could be led to unite with the Whigs upon so many questions. (4) The fourth difference lies in the fact that the New York Antimasons had from the start a galaxy of brilliant writers and able and ambitious politicians in their ranks, while Pennsylvania had few of these. To Thaddeus Stevens must be given the credit of uniting the Whigs and Antimasons of Pennsylvania after the partial union of 1832 had proved a failure and when

^a Pennsylvania Telegraph, June 12, 1839. Ibid, January 3, June 19, 1839. Niles Register, LVI, 228.

^b Niles Register, LVI, pp. 216, 277.

^c Gazette and Advertiser, February 22, 1846; Pennsylvania Reporter, October 22, 1841; Wilson's History of Pittsburg, 803. Stevens, in 1843, tried hard to revive it, but without success. (See McCall's Life of Stevens, 61.) The Scotch-Irish of the west had condemned Masonry, even before the Morgan incident. Wilson's History of Pittsburg, 793. This section contains to-day great numbers of the United Presbyterians, who do not allow their members to belong to secret organizations. The "Christian" party, which has gathered a few votes in nearly every national election from 1866 till the present time, has had a strong following in this region. The pardoning of a man named Pluymart, a Mason who had robbed a bank, formed in the early days one of the strongest arguments against the Masons in this region.

the opposition was disorganized and declining. The Whigs were comparatively few in number, and by showing them that in cooperation with him in his crusade against Masonry lay their only chance for success he united these opposite interests. When the farmers of the east saw that they would have to pay taxes if the Bank was not rechartered, they were reconciled to a large extent to Whig doctrines. Of the other elements, the western people about Pittsburg were already in strong opposition to Jackson because of their manufacturing interests, and looked upon the Bank question as all manufacturing districts naturally would, while the people of the north-

Presidential election in Pennsylvania in 1840.

west saw the only realization of their plans for connecting the Lake with Philadelphia bound up with the Whig policy and the Bank. We have here, then, the elements of the strong Whig party which in 1840 carried the State of Pennsylvania for their candidate, General Harrison.*

After all is said, the great fact in the history of Antimasonry in Pennsylvania is the personality of Thaddeus Stevens, a Yankee leader of Pennsylvania Quakers, Scotch-Irish Presbyterians, and German Sectarians.

* Pennsylvania Reporter, November 20, 1840. Harrison carried the State by a vote of 445.

CHAPTER XIX.—VERMONT.

We have to consider briefly a group of States which are of less importance in the history of the Antimasonic party than the great political centers of the country—New York and Pennsylvania. This group is comparatively unimportant for several reasons; first, in some States like Ohio and Massachusetts the party was comparatively weak; second, where Antimasonry was strong, as it was in Vermont, the State itself was of little importance in the great political struggles of the time; third, in many of these States the party was not really distinct from the National Republican party, had no original platform of its own, and was rather a social than a political movement; fourth, these States produced no such able politicians and organizers of Antimasonry as Weed in New York or Stevens in Pennsylvania. It is true that the party had in its ranks such men as Adams in Massachusetts, but it was on the whole more of a social than a political issue with them. With these preliminary remarks we will consider briefly the State of Vermont.

Vermont was well fitted for such a movement. The State bordered upon New York, and in the exciting days of the early agitation caught some of the spirit of Antimasonry prevalent in that State. To this had been added the fact that some of the witnesses wanted in the Morgan abduction trials had escaped into Vermont. Again, the soil was favorable because the people were almost entirely small farmers of the religious New England type, and it was in this sort of community that Antimasonry found its most fruitful soil.^a

^aThe newspapers of Vermont at this time seem to have been all weekly. They reflect the life of the State very well. They usually contain very little political news, but contain a great many stories, mostly of a moral or religious nature—sermons and temperance exhortations. The sessions of the legislature were of but a few weeks in length and the matter transacted was trivial, such as the repair of the roads, bridges, etc. The papers reflect in fact the life of a rural population absorbed in religious matters.

As early as 1827 the excitement appeared in eastern Vermont, especially in Caledonia County, and was spread largely through the efforts of the Danville North Star, which may be said to have been the pioneer paper devoted to Antimasonry in the State. The county of Caledonia was henceforth to be considered the headquarters of the "blessed spirit" in the State.^a

In 1828 Weed's paper was ordered from all parts of the State,^b and town meetings were held upon the subject in many of the towns of Orange and Caledonia counties.^c In the fall of that year a hot contest for a Congressional Representative was waged in the Caledonia district (fifth), and as the Antimasonic candidate, Cahoon, did not receive a majority of the votes, the election had to be contested many times. The struggle in this district was clearly between the National Republicans and the Antimasons, the Jackson party never polling a large vote.^d By October the battle throughout the State had begun in earnest, and we hear of the mutual recriminations and abuse of the rival sects, the troubles in the churches, the renunciations by Masons, and renunciations by Antimasons because of the "domination of unprincipled political leaders," in fact, all the bitterness and feverish excitement that marked the contest in the other States.^e

It is well to note here that Vermont was a strong National Republican State. The National Republican support of the American system could not but meet the approval of an isolated and declining agricultural community such as this State was. With the decline of agriculture came an effort to grow wool and to manufacture woolen goods and iron. Petty manufacturing concerns were springing up in many directions, especially in the eastern part along the upper course of the Connecticut.^f With these industries came projects for better communication. A scheme was formed for a canal to unite Lake Champlain at Burlington with Dover and Portsmouth, N. H., through the valleys of the Onion and Wells river to the Connecticut, and then to connect with a route formerly

^a Albany Evening Journal, September 16, 1831. Seward's report in the national convention, September 11, 1830.

^b Weed, Autobiography, I, 309.

^c Seward's report in the national convention, September 11, 1830.

^d See Albany Argus, September 23, 1828. New Hampshire Patriot, September 15. Salem Gazette, September 16, 1828.

^e See Albany Argus, October 24, 1828.

^f See Vermont Watchman, April 21, 23, 1829.

surveyed for the New Hampshire canal at the mouth of the Oliverian River in Haverhill, and from thence to Lake Winnipiseogee.^a Actual surveys were made by United States engineers upon this route.^b Schemes for the improvement of the navigation of the Connecticut were also much discussed.^c Keeping these facts in view, it will readily be seen that any efforts to disrupt the party which the great majority of the people of Vermont thought favorable to her future happiness and prosperity would meet with the strongest opposition. It will be readily seen, too, why the Antimasons, with their strongholds in the eastern part of the State along the Connecticut, would have the same national policy as the National Republicans. That they should secede from the latter party and form one of their own was looked upon as evidence of sheer wantonness and selfish desire for office upon the part of the leaders. These conditions made the hatred between the two factions more intense, perhaps, than even in Pennsylvania or New York.

On August 5, 1829, the Antimasonic party was first truly organized in the State. Upon that date a State convention was held, which, after much the usual proceedings of such conventions, nominated a candidate for governor. Among those present, it is significant to note, were the Rev. Nathaniel Colver, a noted Antimason of New York, and Henry Dana Ward, one of the great agitators and writers from that State. The convention was composed mostly of ministers. Much of the time was taken up with discussing plans by which the movement upon the west side of the mountains, where it was still weak, could be strengthened. The candidate for governor soon afterwards declined the honor.^d

The party polled over 7,300 votes, and elected 33 members to the legislature, the National Republicans electing 136 and the Democrats 45.^e As this gain is astonishing, we are not surprised to find that there was a cause for it in an incident which happened immediately before the election.

About this time a man named Cutter, of Woodstock, made

^a North Star, Danville, September 8, 1829.

^b Governor Craft's speech, Vermont Watchman, October 8, 1829.

^c Vermont Watchman, October 27, 1829.

^d Vermont Watchman, August 11, 1829. Seward's report in the national convention, September 11, 1830.

^e Albany Argus, September 10, October 20, 1829. Vermont Watchman, September 8 (?), 1829. Seward's report in the national convention, September 11, 1830.

an affidavit before a magistrate that he had in July met in New York one Joseph Burnham, a Mason who had been sent to prison, and was supposed to have died there on October 15, 1826. He was formerly intimate with Burnham, and positively identified him. As Burnham was a Mason, and the superintendent of the State prison was a Mason, this was sufficient to convince the Antimasons that Burnham was not dead, but was still at large. The legislature immediately began an investigation. A committee was appointed, one of whom went to New York and hunted up the man seen by Cutter and found that he was not Burnham. This did not, however, satisfy the Antimasons, and Burnham's body was afterwards several times disinterred, and finally identified by his wife.^a The incident caused feverish excitement for a while, and was afterwards made the subject of a great deal of ridicule by the enemies of the Antimasons.

The long-continued struggle in the Fifth Congressional district ended this year with the election of Cahoon, the Antimasonic candidate. The contest had been going on for a year, and had resulted in the gradual increase of the Antimasonic vote till a majority was obtained.^b

The election of 1830 showed a remarkable increase in the Antimasonic votes, so great, indeed, that of the three candidates none received a majority, and the election had to be decided by the legislature. Crafts, the former National Republican governor, received 13,486 votes, while William A. Palmer, the Antimasonic candidate, received 10,925, and Meech, the Democratic candidate, received 6,285. After thirty-two ballottings of the legislature, Mr. Crafts was elected by a small majority.^c

An analysis of the vote shows that the strongest Antimasonic counties were Caledonia on the east and Addison on the west. Samuel Prentiss was elected senator this year, receiving 120 National Republican votes, while William A. Palmer, Antimasonic, received 60, and the Democratic nominee 29.

^a See Albany Argus, November 8 (?), 20, 1829. Records of governor and council of Vermont, VII, 360.

^b Vermont Watchman, November 10, 1829. Albany Argus, November 23, 1829. See, also, Albany Argus, September 23, 1828, May 22, September 17, 1829. Vermont Watchman, January 13, 1829.

^c Danville North Star, September 21, 1830. Albany Argus, October 26, 1830. Thomson's History of Vermont (Burlington, 1842), gives a short account of the election.

This shows a distinct gain for the Antimasons. It probably puts the National Republican strength too high, as there is some evidence that many Democrats, hopeless of electing their candidate, threw their votes for the National Republicans.^a

Although the National Republicans had full sway in the legislature, they did not dare refuse the demands of the Antimasons that the charter of the grand chapter and grand lodge of the State should be repealed. There is no doubt that if they had refused it would have but added greater strength to the Antimasonic cause.^b

1831.

The year 1831 was a very important one for the party in this State. The State convention assembled on June 15, at Montpelier, and nominated William A. Palmer for governor and appointed seven delegates to the national convention. The temper of the convention and its dislike for Jackson is shown by the following resolution, which was offered:

Resolved, That the convention views with great regret and astonishment the influence of Masonry—that no man is duly qualified to be President of the United States unless he is a high Mason, murderer and a duelist.

The convention distinctly declared that it “considered adherence to Masonry a disqualification for any responsible office in the State or nation.”^c

The National Republicans thought that by nominating a man who was in sympathy with the Antimasonic movement they would help their cause and possibly unite the broken party. They accordingly nominated Heman Allen, who had received the Antimasonic nomination twice and declined both times.^a Ezra Meech again received the nomination of the Democratic party. The election resulted in no choice, but Palmer received about two thousand more votes than Allen. The Antimasons carried the counties of Windsor, Addison, Orange, Caledonia, Franklin, Orleans, and Essex, of which all but Addison are in the eastern part of the State. They also elected 114 members to the house and council, while the National Republicans

^a North Star, November 1, 1831.

^b See Albany Evening Journal, November 20, 1830. New York Commercial Advertiser, quoted in same, December 3, 1830. Niles Register, XXXIX, 188. Niles says that it passed without opposition, the Masons generally voting for it.

^c Albany Argus, June 28, 1831.

elected 63 and the Democrats 31.^a Palmer received 15,258 votes, Allen 12,990, and Meech 6,158. When the legislature assembled, Palmer was elected governor on the ninth ballot, the National Republicans dividing their votes between Crafts and Allen.^b

In his message of this year Governor Palmer defined the policy of his party in Vermont. It in no way differed from the National Republican principles on the matter of tariff and internal improvements.^c He differed, however, in recommending the abolishment of "extra judicial oaths" and in his idea that in the appointment of officials only those "who are unshackled by any earthly allegiance" should be recommended.^c

The work of the session was trivial; a few bank and railroad incorporation bills were passed, but nothing was done about "extra judicial oaths." In fact, from the opposition accounts, there was no particular hostility to the Masons.^d

Meanwhile, a very exciting contest was going on in the Second Congressional district, composed of Addison and Rutland counties, in the western part of the State. Addison was strongly Antimasonic, while Rutland was National Republican. This contest proved a victory, after many trials, for Slade, the Antimasonic candidate.^e In the Fourth Congres-

^a Vermont Watchman, September 26, 1831. See, also, Albany Argus, September 17, 23, October 20, 1831. Albany Evening Journal, September 13, 16, 20, 24, 1831. Vermont State Journal, August 6, 1832.

^b Albany Evening Journal, October 20, 1831. See Records of Governor and Council, VIII, pp. 6, 7.

^c "The approbation uniformly expressed by the people of this State of the policy of a protecting tariff and the encouragement given to works of internal improvement by the General Government can not fail to produce in us a hearty cooperation in suitable measures for the promotion of these great objects." Albany Evening Journal, October 27, 1831. Vermont Assembly Journal, 1831, p. 26. Albany Argus, October 29, 1831. Records of Governor and Council, VIII, p. 263.

^d Says the Vermont Watchman (National Republican): "After the struggle that has resulted in the complete triumph of Antimasonry in the legislature of Vermont, to see that legislature, with an Antimasonic majority, and in full and free exercise of its power, abandon every principle held sacred before the election in relation to the appointment of members of the Masonic fraternity to office—now to see them turn to the 'right about face' and deliberately place two high Masons upon the bench of the supreme court, * * * place other adhering Masons in the sheriff's and many other important departments of the government, and even commit their souls to the keeping of a Sir Knight Templar as the chosen chaplain and their bodies to the care of a Royal Arch Door Keeper; to witness all this, we must acknowledge would most certainly excite some little astonishment among the people, did we not believe they feel disposed to make very great allowance for the frailty of poor human nature." Albany Argus, November 21, 1831.

^e Albany Argus, November 21, 1831. See also Albany Evening Journal, July 9, 11, 18, November 5, 1831. Vermont State Journal, July 16, 1831. Slade was a noted Abolitionist. Schouler, History of the United States, IV, p. 301.

sional district, composed of Franklin, Chittenden, Orleans, and Grand Isle, a lively fight was carried on despite the fact that the Antimasonic candidate had once turned his vote over to the National Republicans.^a In 1832 Heman Allen, of Milton (National Republican), was finally elected.

1832.

The year 1832 opened with Antimasonry in full control and hopeful of national success. The State convention of this year met at Montpelier on June 27, and there resolved—

That in order to prostrate and destroy the power of Freemasonry, to maintain the protective system, to sustain the authority and integrity of the Supreme Court, to support the United States Bank, to continue the construction of necessary and national works of internal improvements; to arrest the heresy embraced in the doctrine of nullification, and to vindicate the pledged though violated faith of the nation to the poor Indian, we will ourselves support, and recommend to the support of all our citizens in every quarter friendly to the same measures, William Wirt, as a candidate for the office of President of the United States, and Amos Ellmaker as a candidate for the office of Vice-President, believing them to be men to whom these and every interest of the nation may be safely intrusted for maintenance.

They also resolved that a “repeal or modification of the duties on wool and woolens which shall cease to afford adequate protection to the wool grower and manufacturer will completely prostrate and paralyze the prosperity of this part of the Union.”^b

Palmer was again nominated for governor and again the election was thrown into the legislature. Palmer received 17,318 votes; Crafts, 15,499, and Ezra Meech, 8,210. In the legislature Palmer was elected on the forty-third ballot.^c The national election resulted in a plurality for Wirt, he receiving 13,106 votes, while Clay received 11,152 and Jackson 7,870. Wirt carried Windsor, Addison, Orange, Caledonia, Franklin, and Orleans counties, while Clay carried Windham, Rutland, Chittenden, and Grand Isle. The counties which had projects for internal improvements or expected to gain

^a Vermont State Journal, June 11, 1832. Albany Argus, June 13, 1832. See also Albany Evening Journal, December 27, 1830, April 30, June 13, June 30, 1831. Vermont State Journal, December 26, 1831. Albany Argus, December 28, 1831.

^b Albany Evening Journal, July 16, 1832. Vermont State Journal, July 2, 1832.

^c Albany Evening Journal, September 8, 1832. Albany Argus, September 18, 1832. See also Albany Argus, September 18, 19, 20, 1832. Records of Governor and Council, VIII, pp. 58, 60.

from the National Republican policy as a rule gave either Antimasonic or National Republican majorities.^a

Governor Palmer's message of this year referred again to the "imposition and multiplication of extra judicial oaths," and spoke of the necessity of high tariff and the rechartering of the United States Bank.^b In accordance with these recommendations, the delegation to Congress was instructed to prevent a reduction of the tariff and the appropriation for internal improvement, to work for the recharter of the Bank, and to uphold the Supreme Court. The matter of "extra judicial oaths" came up again, and a committee reported favorably upon it, but as there was not a sure majority in its favor it did not finally pass till the next session. A law was passed also redistricting the State and changing the election laws upon Congressional elections so that a plurality only was required on the third trial if no person had a majority on the first two.^c

At the January Congressional elections, in accordance with the new law, the party succeeded in electing three members to Congress. They asserted that they were beaten in the Second district by a coalition of Democrats and National Republicans.^d

The bitterness which the followers of Clay felt after the election of 1832, showed itself in Vermont in the form of a coalition or union with the Jackson forces in order to defeat the Antimasons at the coming election. The Antimasons evidently foresaw the move, for in the State convention held at Montpelier on June 26, 1833, they passed resolutions upon this subject.^e

The Democratic and the National Republican State conven-

^a Albany Argus, November 26, 1832.

^b Albany Argus, October 30, 1832. Records of Governor and Council, VIII, p. 265. Albany Argus, October 30, 1832.

^c Albany Evening Journal, December 21, 1832. The districts seem to be on the whole favorable to the party.

^d North Star, May 20, 1833. See also Albany Argus, January 30, February 5, March 25, 1833. Albany Evening Journal, January 18, 1833. Vermont Courier, May 10, Vermont State Journal, March 11, 1833.

^e They resolved that "a coalition between two opposing parties to put down the third at the expense of the abandonment of their distinctive party principles is a most manifest departure from consistency, integrity, and republican independence, and is substituting the blindness of party zeal or the mandates of party leaders for the honest convictions of truth and a laudable adherence to principle." "Resolved, That such is the character of the coalition now forming between the Masonic parties of this State against Antimasonry notwithstanding they shrink from a fair discussion of its principles before the public and dare not meet its advocates in the field of honorable argument." "Resolved, That Antimasonry being in opposition to Freemasonry with an intent to abolish

tions assembled at Montpelier on the third of July. They united on a ticket, with Ezra Meech, the former Democratic nominee, at the head of it. The Burlington Sentinel said these proceedings resulted from "the universal desire manifested by all for a thorough reform of the political character of the State. In the selection of an union ticket it will be perceived that the delegates have been governed by a desire to advance men to public office who are of sterling sense and acquirements; and we can not but believe the great mass of the people, * * * the lovers of good order and equal rights will cheerfully come forward in their support. * * * The fate of Palmer and Antimasonry is sealed in Vermont."^a

The nominee for lieutenant-governor and 8 councillors were National Republicans and 4 were Jackson men. The Middlebury Free Press classified 9 out of the 15 councillors nominated as Freemasons.^b

The union was the cause of much excitement, which extended to the neighboring States. Many of the National Republican papers openly expressed approbation of the course of their political brethren in Vermont, while on the other hand the radical Jackson papers and the radical National Republican papers, together with those of the latter party with an Antimasonic tinge, denounced the scheme.^c Many of the National Republicans and Democrats within the State were dissatisfied with the combination, and the dissatisfied National Republicans nominated Horatio Seymour, who had been Senator from 1821-1833.

The election resulted in an overwhelming victory for Palmer. The Antimasonic ticket received 20,565 votes, the Union ticket 15,683, Seymour 1,765, and Roberts, dissenting Democrat, 772. The Antimasons carried the counties of Windham, Rutland, Windsor, Addison, Caledonia, Franklin, and Orleans.^d The Democrats blamed the National Repub-

it, such a coalition for such purposes, as its advocates allege, of 'putting down Antimasonry' is a coalition to save Freemasonry from destruction." "Resolved, That we continue to support the leading measures of national policy in relation to the judiciary, currency, protection to domestic industry and internal improvements of which we have heretofore expressed our approbation." Albany Evening Journal, July 11, 1833.

^a Albany Argus, July 15, 1833.

^b Albany Evening Journal, July 9, 1833. The Vermont State Journal, July 22, 1833, calls ten of them Masons.

^c See letter of Edward Everett in Albany Evening Journal, August 3, 1833. See also Vermont State Journal (Antimasonic) for further effects of the scheme.

^d Albany Evening Journal, October 14, 1833. See also Albany Evening Journal, September 6. Vermont State Journal, October 11, 1833. Albany Argus, September 9, 16, 17; October 16, 1833. Burlington Sentinel, September 6, 1833.

licans for the defeat. They said that the newspapers of the latter "have denounced the ticket as one which ought not to be supported because it would be considered favorable to the administration. * * * In general, the National Republican editors opposed the ticket and denounced it to the last."^a

It was found upon the opening of the legislature that the Antimasons had a majority in the house and council. With this decided victory, the act forbidding extra judicial oaths was passed November 7, 1833.^b The party also attempted to arraign the supreme court of the State, but failed to prove its charges.^c

1834.

The year 1834 found Antimasonry in Vermont, although triumphant, yet despairing of national success. In New York the party had become practically Whig, and many urged the necessity of uniting with the Whigs in Vermont. This question was discussed in the State convention of this year. It was pointed out by many that the Masonic institution was practically abolished and that the party had all other interests in common with the Whigs. The opinion, however, prevailed that the Whigs were "Masonic," and it was decided not to join them. Consequently Palmer was again nominated for governor.^d The Whig convention nominated Horatio Seymour, who had been the candidate of the National Republicans of the previous year.^e

The election resulted in a plurality for Palmer. He received 17,131 votes, while Bradley, the Democratic candidate, received 10,365, and Seymour 10,159. The State Journal (Antimasonic) claimed that 102 Antimasons, 57 Whigs, and 49 Jackson men were elected.^f As Bradley and Seymour both refused to be candidates in the assembly, Palmer was again elected.^g

^a Albany Argus, September 17, 1833.

^b Vermont State Journal, December 2, 1833. Vermont Assembly Journal, 1832, pp. 150, 152. This act, as far as could be ascertained, has never been rescinded.

^c Records of the Governor and Council, VIII, pp. 291, 294, 296.

^d Vermont State Journal, May 26, August 4, 18, 1834. Boston Independent Chronicle, June 4, 1834. See also Slade's letter against the union, Niles Register, XLVII, 238.

^e Vermont State Journal, July 14, 1834.

^f Vermont State Journal, September 15, 1834.

^g Records of Governor and Council, VIII, 164.

Governor Palmer, in his inaugural message, expressed the opinion "that a national bank, with proper powers and restrictions is both necessary and constitutional. * * * I deem, however, the charter of the present bank exceptionable in several of its provisions, and am opposed to its renewal at the present time."^a

These opinions led to a great deal of criticism of him. Many thought him about to break away from Whig principles, and some of the Democrats even claimed him as a convert to their opposition to the Bank.^b

1835.

Palmer became unpopular, and some of the Antimasonic county conventions in the year 1835 refused to ratify him, putting Paine's name in his place. He received 16,210 votes, while Bradley, the Democratic nominee, received 13,254, and Paine, the Whig candidate, 5,435. Jennison, the Antimasonic candidate for lieutenant-governor, received the Whig vote also, making his total vote 21,316.^c The Antimasonic and Whig votes could not be united upon Palmer, and after many ballotings with no result, Silas H. Jennison became governor.^d

1836.

The next year both Whigs and Antimasons united upon Jennison for governor and Harrison and Granger for Presidential candidates.^e General Harrison's letter upon Masonry made it easy for the Antimasons of Vermont to become Whigs, now that their main issue was dead. Many of their prominent leaders, nevertheless, became followers of Van Buren.^f Jennison was elected, and Harrison carried the State, receiving 20,990 votes to 14,039 for Van Buren. The counties of Bennington, Windham, Rutland, Addison, Orange, Chittenden, Orleans, Grand Isle, and Caledonia were carried by the Whigs. All of these but Grand Isle had been Clay or Antimasonic counties in 1832.^g

^a Records of Governor and Council, VIII, 270. It is probable that he followed Weed in this matter.

^b Boston Independent Chronicle (Clay), October 29, 1834.

^c Independent Chronicle, Boston, October 17, 21, 1835.

^d Niles Register, XLVIII, 36. Records of Governor and Council, VIII, pp. 215, 218, 219, 220, 245.

^e Niles Register, L, 33. Boston Independent Chronicle, November 23, 1836.

^f North Star, September 6, 1836.

^g See Vermont State Journal, November 22, 1836, for returns by counties.

CHAPTER XX.—MASSACHUSETTS.

Long before Antimasonry received a political character in Massachusetts its social phase was apparent there and newspapers had been established to propagate its principles. Massachusetts at this time furnished excellent soil for the cause. In the cities and large towns in this exceptionally democratic age there had been a remarkable growth of free thought. This was shown particularly in religious matters, especially in the Unitarian movement. The spirit was chiefly felt in the more wealthy and aristocratic communities, as may be seen from the literature and religious controversies of the day. In these social centers, Masonry, a select society which tended to bring within its ranks many of the wealthy, educated, and influential men, found its strongest foothold. In these centers, too, the strictest Hartford convention Federalism had existed. In the country, on the other hand, there was more conservatism on religious matters and much hatred of the cities for their aristocratic influence, power, wealth, and cosmopolitanism. These conditions, together with that natural reforming spirit, jealous patriotism, and proscriptive religious zeal of the New Englander which has so often displayed itself in American history, formed an excellent basis for the movement which is being described.

On June 20, 1828, the first number of the Boston Free Press was issued, and soon afterwards another paper, the Boston Antimasonic Christian Herald, was founded. This paper in its prospectus stated that it would "give a general view of the progress of evangelical religion throughout the world, while its columns will be open to cool and candid discussions of the principles of Freemasonry."^a By February, 1829, there were four newspapers in Boston alone devoted exclusively to the subject of Freemasonry.^b

^a Antimasonic Herald, Lancaster, Pa., January 30, 1829.

^b Ibid., February 5, 1829.

Political Antimasonry is traced back to a meeting on November 1, 1828, in Fall River, which led to a political organization in the Congressional elections of that year. Other meetings soon followed, one at Dedham January 1, 1829, and one in Boston August 27, 1829. At the latter, what was known as the "Suffolk committee" was chosen.^a

A slight movement was noticeable also in the spring elections of 1829,^b but nothing of real importance was accomplished. Every effort was made to spread the doctrines, and thousands of copies of the Antimasonic convention report upon the abduction of Morgan were distributed in these places, especially in Bristol County.^c

In 1830 the party showed its first real political strength and succeeded in electing three senators and from twenty to twenty-five members of the house, in the April election.^d

Until 1831 they seem to have had no great political differences with the National Republicans. This year, however, they considered that they had been unfairly dealt with in the filling of vacancies in the senate.^e This fact infused new life

^a Seward's report in national convention, September 11, 1830. See *Boston Free Press*, November 14, 1828, and January 9, 1829.

^b See pamphlet "Doings of the Plymouth County Antimasonic Convention," Abington, March 10, 1829. This convention supported Lincoln for governor.

^c Report of committee on press in Antimasonic national convention. See *Albany Evening Journal*, March 1, 1831.

^d "Proceedings of convention, May 19, 20, 1830," Boston, 1831.

^e J. Q. Adams speaks of the Masonic influence exerted and says: "In every instance they chose the Masonic candidate with the smaller number of primary votes in preference to the Antimasonic candidate with the larger number." *Adams's Diary*, VIII, 364. He speaks also of the selection of a Jackson man in place of a National Republican Antimason, although the latter had from three to four hundred more votes of the people. *Ibid.*, 400.

The following account of resolutions adopted by a legislative caucus of the party June 17, 1831, illustrates their temper at this time: "*Resolved*, That the conduct of the legislature of this State on the recent occasion of filling the vacancies in the senate affords the most conclusive evidence that Masonry is political and possesses the entire control of the National Republican party of this Commonwealth." "*Resolved*, That we cordially respond to the resolutions adopted by the late Antimasonic State convention in Pennsylvania; that Antimasonry is necessarily political; that with attacking Masonry at the ballot box where it is intrenched behind the political patronage and power of the Government all efforts to destroy its usurpations on the rights and privileges of the people must fail, and like a rebellion suppressed, must contribute to the power and vigor of Masonic despotism." "*Resolved*, That it be strongly and urgently recommended to the people of the different senatorial districts of this Commonwealth to nominate and support for senators men of known and decided Antimasonic principles." "*Resolved*, That we adopt with great pleasure the spirited resolutions of the recent Antimasonic State convention in New Jersey; that Freemasonry is a positive evil, inasmuch as its obligations require the performance of acts in direct violation of the constitutional authorities of our country, which seriously affect the equal rights of individuals and the civil and political rights of the public, for it is an alarming fact which can not be too generally known 'that 10,000 active, efficient men, embracing almost all in office, from the President

into the party and in the spring they showed surprising strength, especially in the Bristol district.^a The convention, too, was well attended and enthusiastic. The Masons were denounced in a masterly document in which questions were asked for them to answer.^b

A committee was also appointed to wait upon Governor Lincoln and ask him his position upon the question.^c Governor Lincoln, in his reply, stated that "Sincerely and earnestly" as he desired the "dissolution and extinction of the institution of Freemasonry," an institution "obnoxious to the spirit of republican jealousy," as "chief magistrate of the Commonwealth" he could not unite himself with any "combination of men in means for its suppression."^d As this, of course, did not agree with their ideas, they tendered the nomination to Adams, but found that he approved of Lincoln's course and could not be made to run against him.^e

In a convention in October they nominated Samuel Lathrop, who had been president of the senate in the previous year.^f As in Vermont, the National Republicans viewed this split in their ranks with alarm, and did what they could for a while to unite the parties, but with little success; later they turned to vituperation and denunciation.^g

In the election Lincoln polled 28,804 votes, while Lathrop polled 13,357, and Morton (Democrat) 10,975. Lathrop carried the counties of Franklin and Hampshire, and polled a large vote in Bristol. Morton carried Berkshire.^h The Anti-

downwards, banded together with sanctions of blood and oaths of perdition, with discipline, with concert, with signs of recognition, and ciphers of secret correspondence, armed with public press, and bearing in their train the artillery of slander and of ruin of men, are united to engross all power and influence, and to direct the resources of a great nation to the separate profit of their order.'" Says the Argus: "In its remarks upon this meeting the Boston Press says, 'We helped the Nationals last year to elect their quorum, and most of the very men elected by our help voted for Jackson Masons in preference to Antimasons. This fall we hope everything will be allowed to stand on its own bottom.'" Boston Free Press, June 17, quoted in Albany Argus June 24, 1831. See also Albany Evening Journal, June 24, 1831.

^a Albany Evening Journal, April 12, May 20, and July 1, 1831.

^b They were answered in December by a declaration of 1,200 Masons, which only added fuel to the fire. See pamphlet, "An Address to the Freemasons of Massachusetts," Worcester, 1832. See also Commercial Gazette, December 31, 1831; New England Galaxy and Masonic Magazine, December 31, 1831; Niles Register, XLI, 385.

^c Account of the convention, Boston Free Press, May 20, 1831.

^d Niles Register, XLI, 86.

^e Adams's Diary, VIII, 414.

^f Boston Daily Advertiser, October 8, 1831.

^g See New York Whig, quoted in Albany Evening Journal, June 10, 1831. Boston Patriot, quoted in Albany Argus, October 12, 1831. Albany Argus, September 27, 1831.

^h Independent Chronicle, January 7, 1831. Boston Free Press, quoted in Albany Evening Journal, January 9, 1832.

masons claimed 150 members elected to the lower house out of a total of 490.^a .

1832.

The year 1832 was marked by several attempts to get the Antimasons to unite upon Clay or to make some arrangement like that existing in New York and Pennsylvania, but the New England Antimasons were of stern Puritan stock and were firmly imbued with the necessity of carrying out their fundamental principles. If the National Republicans "contended that there was no difference in principle between the National Republicans and Antimasons, to this the fair reply was that if so, the electoral vote might well be given to Mr. Wirt, 'whose moral character was fair, rather than to Mr. Clay, whose days and nights had been spent in the brothel.'" Again it was urged that as the Clay men in New York had "with a magnanimity beyond all praise joined the Antimasons, they being the stronger party in the State, it was but fair requital of that kind of service that the Antimasons in Massachusetts, they being the weaker party, should unite with the Nationals. This overture was indignantly rejected * * * the utmost favor they would grant was the privilege of voting for the Antimasonic ticket, with an assurance that that ticket 'will on no occasion support an adhering Mason.'" ^b

The Antimasonic convention met at Worcester September 5 and nominated Samuel Lathrop for governor and Timothy Fuller for lieutenant-governor.^c They organized an electoral ticket pledged to vote for Wirt and Ellmaker, and adopted an address in which they said they would not vote for Clay because "no public man in the nation [has] placed himself so directly in opposition to the fundamental principles of Antimasonry as he has done * * * however eminent as a statesman [he] is so far behind the ordinary standard of morals that there is no intimation of virtuous example in his private life."^d

^a New York Whig, in Albany Evening Journal, November 28, 1831. See also Albany Evening Journal, November 19, December 2, 1831, and Albany Argus, November 21, 1831.

^b See letter from Springfield, Mass., October 16, 1832, in Albany Argus, October 25, 1832. For other evidences of desire to unite, see Boston Independent Chronicle (Clay), August 25, 1832.

^c Fuller is said to be the author of the pamphlet in which Mr. Clay was charged with "spending his nights at the gaming table and in the revels of the brothel." Adams was not present at the convention, and the National Republicans intimated that he was not in favor of the movement. John Bailey, however, wrote a letter in which he explained that the reason why he did not attend was that he had made a rule to take no part in the pending Presidential election. Independent Chronicle, September 12, 19, 1832.

^d Proceedings of the Antimasonic convention, Boston, 1832.

The Boston Free Press said:

Any man who was in that assembly and who witnessed the thrilling response when * * * the President, in a speech declared that Henry Clay, by his own acts had severed forever the ties which once bound the Antimasons of New England to him, and might as soon hope to constrain them to vote to establish a monarchy as to vote to sustain Masonry through Henry Clay," would not doubt the intention of the party to oppose him in New England.

In the election Lincoln received 33,946 votes, Morton 15,197, and Lathrop 14,755. Lathrop again carried Hampshire. The votes for the national candidates were approximately the same as those given for governor.^b

1833.

The meeting of the legislature at the beginning of this year shows in many ways the extreme hatred that the National Republicans bore toward the Antimasons for the part they had taken in the State and national election. Among these evidences of hatred may be cited various hostile acts shown in the selection of the council, opposition to the petition to do away with the grand lodge, and a gerrymander of Antimasonic districts of the State.^c

The Antimasonic State convention was held in Boston on September 4. In the call made by the State committee was a curious circular, in which it was requested that the delegates "furnish the State committee * * * a correct list of adhering Masons in their towns, their places of business and occupations, * * * the several offices each have held or now hold; their general character for morals, temperance, charity, and [knowledge of] science, especially geometry;" what number of indigent persons, widows, and orphans, are known to have been relieved in their town, and to what

^a Rochester Republican, quoted in Albany Argus, October 15, 1832.

^b Boston Independent Chronicle, November 14, 17, 21, 24, December 1, 1832; January 5, 1833. Albany Argus, November 12, 26, 1832. Boston Columbian Sentinel, November 20, 1832. Niles Register, XLIII, 213.

^c Adams's Diary, IX, 41. See also "Address to the People" on the political influence of Freemasonry, Boston, 1833. The county of Bristol as a congressional district was divided. It had 49,592 inhabitants, while 47,700 was the ratio. The Antimasons of New Bedford and Fairhaven were neutralized by adding Nantucket and Barnstable. There was also gerrymandering in Franklin and Norfolk. The Norfolk district was made to extend nearly from Buzzards Bay to Boston.

^d The Masons were supposed to use a great deal of geometry in their ceremonies.

amount, what good or bad acts are known to have been done by Freemasons in their towns, and whether Freemasonry has tended to restrain or encourage the commission of crime."^a

As it was well known that Adams did not want the nomination, and that because of his radical position toward the Masonic order there was less chance for the National Republicans to unite upon him, the nomination was offered to Edward Everett and then to John Bailey. As both of these gentlemen declined, it was offered to Adams. The letter addressed to him said that "No citizen * * * is at liberty * * * to refuse * * * especially where the citizen so nominated is best qualified to concentrate public sentiment in favor of those principles, and to heal the divisions of party."^b He very reluctantly accepted,^c stating that he did so "with a fervent prayer to the Ruler of the Universe that the voice of the people of the State should concur with yours [that] the final result may be to heal the division of party, to promote the harmony of the Union, and to maintain the freedom of industry and the purity of the Constitution."^d

In preparing for the election of this year it soon became evident to the National Republicans that Lincoln could not be run again, as a combination of both opposing parties might defeat him.^e There were, however, two men who if nominated by the National Republicans would unite the whole party. One was Adams, who had already been nominated by the Antimasons, and the other Edward Everett. Both were sincere Antimasons. Everett had never declared his belief in political Antimasonry, and therefore was not so likely to unite the two parties, while he was Antimasonic enough to be looked upon with suspicion and dislike by the Masons.^f Adams, on the other hand, although he had supported Lincoln in the last election, had written a letter to a gentleman in Rhode Island, in which he advocated the election of such members to the legislature of that State as should vote for

^a Albany Argus, August 30, 1833.

^b Proceedings Massachusetts Antimasonic Convention, September 11, 12, 13, 1833; Boston, 1833. Independent Chronicle, September 14, 18, 1833.

^c Adams's Diary, IX, 6. See also *ibid.*, p. 25. "The controversy seems destined to destroy the comforts and tranquillity of my last days, and to bring my life to close in hopeless conflict with the world."

^d Albany Argus, September 12, 1833. See also *ibid.*, September 16, 18, 1833.

^e Adams's Diary, IX, 45. See also *ibid.*, p. 25, where Lincoln attributes to Adams's publications on Masonry the falling off in his support.

^f Independent Chronicle, May 15, July 27, 1833.

the repeal of the Masonic charters.^a He was well known as one of the most influential opponents of Masonry on social and religious grounds in the country. He was, therefore, opposed by all the Masonic power in the National Republican party and by Lincoln and his friends. On the other hand, he had behind him the powerful support of Daniel Webster and his friends.^b

As the convention drew near it was apparent that Boston and the Masons would do their best to oppose him,^c and so successful were their efforts that the man once President of the United States was put aside, and John Davis was nominated instead.^d

The campaign created considerable interest and animosity. The part that Boston and Worcester Masons had played in defeating the nomination of Adams, together with the hatred of the city by the country districts where Antimasonry was strong, gave the Antimasons a greater enthusiasm, perhaps, than they had before possessed.^e Mr. Davis, however, obtained a plurality, receiving 25,149 votes, while Adams received about 18,274; Morton, 15,493; and Allen (Workingmen), 3,459. Adams carried Norfolk, Bristol, Franklin, Middlesex, and Plymouth.^f The election went to the legisla-

^a Independent Chronicle, October 2, September 28, 1833. He was not proscriptive, however. See letter to Davis, Niles's Register, XLV, 86; Adams's Diary, VIII, pp. 426, 428. His opinion of the order is characteristic: "It is a matter of curious speculation how such degrading forms, such execrable oaths, and such cannibal penalties should have been submitted to by wise, spirited, and virtuous men. It is humiliating to the human character."

^b Webster had been nominated on January 10, 1833, for President by the Antimasons of the legislature.

^c Adams's Diary, IX, 16. "The National Republicans of Boston have elected 63 delegates to the Worcester convention, 35 of whom are Freemasons."

^d Independent Chronicle, October 19, 1833. The address of the convention condemned Antimasonry. Adams says one of the leaders against him was William Sullivan, of whom he remarks: "Sullivan has the double venom of Hartford convention Federalism and of spurious masonry in his blood." Adams's Diary, IX, pp. 20, 24.

^e This spirit is evident in the proceedings of the convention, where the "aristocracy of the cities" and the "monarchial" tendencies of the Masons were harped upon. Davis was accused of being the tool of the manufacturers. General Dearborn, who was running for Congress, was called "the most eloquent and grandiloquent representative of the Boston aristocracy."

See Independent Chronicle, August 16, November 9, 1833, quotations from Boston Advocate. See, also, Proceedings of Convention, Boston, 1833. S. D. Green was editor of the Advocate. He had been a member of the same lodge with Morgan, and had lectured on Masonry around the country. His adventures are set forth in his book called the "Broken Seal." His paper constantly harped on "Boston aristocracy," and later followed Richard Rush into the Democratic ranks. Adams's Diary, IX, 48.

^f Independent Chronicle, November 13, 15, 16, 20, 27, December 21, 1833. Albany Argus, November 12, 20, 1833. Albany Evening Journal, November 15, 1833.

ture, whereupon Mr. Adams withdrew from the contest in order to unite the two parties.^a

1834.

The National Republicans in the legislature carried out their policy of filling the senatorial vacancies with members of their own party without reference to the actual votes of the people.^b They were well paid for this partisanship, however, when it was seen that a resolution on the removal of the deposits could not be forced through without the aid of the Antimasons. Through the influence of Adams, who saw the danger of the Antimasons going over to the Democrats, as they did in Rhode Island, if the National Republican policy was kept up,^c efforts were made to conciliate them. Accordingly a bill to enlarge the powers of the grand lodge in order that a building which they were erecting in Boston could be completed was defeated. This led to the surrender of the act of incorporation.^d

In response to many petitions, a bill was introduced against extra judicial oaths. It produced a great debate, the house on the whole favored it and the senate opposed it. It was finally passed by leaving out the word "masonic" and softening its provisions so as to make them very easy to evade.^e An investigation into Freemasonry was also begun, the house, as before, favoring it and the senate opposing it. The house went so far as to favor giving the committee on the matter full power to send for persons and papers, but this was killed in the senate, and consequently the investigation amounted to nothing.^f

^a Adams's Diary, IX, 71. Independent Chronicle, January 11, 1834.

^b They had a majority over the other two parties. Niles Register, XLV, 330, says there were 297 National Republicans, 135 Antimasons, and 126 Jackson men in the lower house. The Independent Chronicle, January 4, 1834, says that in all but two cases the Democrats and Antimasons combined. See also Niles Register, XLVII, 182. Adams calls the National Republican party a "Union of federalism and Freemasonry." Adams's Diary, IX, pp. 17, 70.

^c Adams's Diary, pp. 9, 65, 66, 103.

^d Niles Register, XLV, 331. Independent Chronicle, January 4, 1834. They had already tried several times to have their power increased. They did not dissolve their organization, although a large part of them in Worcester County especially resolved that the society was unnecessary, and disbanded. Niles Register, XLVI, 447. Independent Chronicle, August 23, October 1, 1834.

^e Independent Chronicle, January 29, February 1, March 13. A great deal of the debate was caused by the Boston Masonic Mirror's statement that it would not harm Masonry.

^f See Independent Chronicle, January 31, February 5, 22, April 4, 1834. See also pamphlet, "An Investigation into Freemasonry," printed by order of the house of representatives, Boston, 1834.

These useless measures did a great deal to drive the more radical Antimasons away from the Whig party, then forming, and to turn them toward the Democrats. It was only through the efforts of Adams, Everett, and Webster that they were kept in the party at all.^a These gentlemen tried to heal the split by every means in their power. In declining to be a candidate for United States Senator, Adams had stated that the Antimasonic party was in hopeless minority, and as they had the same policy as the National Republicans they should unite with them.^b

Early in the year the Antimasons addressed a letter to Davis, questioning him as to his position on the matter of Masonry. His reply did not satisfy them, although he greatly desired peace and was supported by Adams.^c The Whig convention made no overtures, but nominated Davis and Armstrong.^d

The Antimasonic convention was ruled by the radicals, and its proceedings were decidedly interesting. Mr. Hallett, one of the members, spoke of the efforts at conciliation made by some of the party, and advocated an independent position. In the course of his remarks he said:

Who is to blame, then, if this party now resolve to depend on their own resources; to select able and sound and efficient candidates? If coming as they do from the people, they take their candidates, not from the exclusive circle of aristocracy, but from the people? Look around, sir, in this assembly. Do you find great wealth or great individual pretensions here? No, sir. You see the best samples that the enlightened towns of this Commonwealth can furnish of their substantial, intelligent, moral yeomanry, mechanics, and workingmen, * * * men of moral courage, the middling interest of the Commonwealth to whom alone, in these degenerate days our country can ever look for the exercise of that moral courage which achieved her independence.^e

^a Adams's Diary, IX, pp. 65, 170. Independent Chronicle, November 8, 1834. The plan of the radicals was to unite upon Morton.

^b Vermont State Journal, January 20, 1834.

^c Adams's Diary, IX, 184. For Davis's letter, see Niles Register, XLVI, 433.

^d Independent Chronicle, August 23, 1834.

^e Substantially the same language was used in the convention of 1831. See Albany Evening Journal, May 23, 1831. As to the nomination of Davis in the previous year it was said: "It was pretended at the time by some of the Masonic party that the Antimasonry of Mr. Adams was not so serious an objection as was his former desertion of the Federal party and his known hostility to the men and measures of the Hartford convention. To obviate this pretended or real objection to the democracy of Mr. Adams, it was well known to the committee of the Worcester convention, who pushed Mr. Davis into the field, that if the name of Edward Everett were presented, Mr. Adams would use his influence with those who nominated him to permit him to withdraw in order to promote a concentration of action in the election of Mr. Everett; * * * but the name of Edward Everett was received by the Masonic convention at Worcester with scarcely less scorn than that of Mr. Adams although Mr. Everett never had and never has in any

As neither Adams nor Everett permitted their names to be used, John Bailey was nominated for governor.^a

The party, however, was unsuccessful. Davis received 43,757 votes, Morton 18,683, Bailey, 10,160, Allen 166.^b

1835.

The beginning of the year 1835 saw Antimasonry very feeble in Massachusetts. The Whigs showed their hatred of the party by electing John Davis senator over Adams.^c Never-

way detached himself from the National Republican party, but uniformly supported its most ultra measures in State or nation, with the bare exception of the support of Freemasonry.' Proceedings of convention.

^aProceedings of convention. Bailey was a graduate of Brown University. He was a tariff man in 1824. He attacked Otis in 1820 for his defense of the Hartford convention. In 1831 he was a senator from Norfolk, and again in 1833. As he was not a lawyer it was said: "His views are not narrowed down by a profession which in modern times is almost always arrayed on the side of wealth and aristocracy against the people." The convention report is full of such expressions, directed against "Ultra Federalists," "aristocrats," "lawyers," etc. Heman Lincoln was nominated for lieutenant-governor, but declined, and George Odiorne, of Boston, was substituted. A convention ratifying the choice of Bailey was held in Norfolk. This convention said that "John Davis * * * is * * * from the manner in which he was forced into office, so completely under the control of ultra aristocracy, the ultra Federalism, and the ultra Freemasonry of Boston and Worcester [Worcester had been called the "very throne of Masonry in the Commonwealth" by Adams in 1833. See Adams's letter to the legislature of Massachusetts, January 1, 1833.] * * * that he could not, if he would, act for the people and with the people, * * * whereas John Bailey * * * must look for support to the body of the people, the middle interest, the yeomanry of the country, and not to the combined wealth of the great cities and towns. * * * [As] farmers, mechanics, and workingmen, while we respect highly talented and distinguished men, and rejoice to do them honor wherever we find them acting honestly as friends of the people and not as instruments of aristocracy, and freemasonry, we nevertheless are pained to see the tendency in this country of distinguished men to combine with wealth and aristocracy against the popular will." See proceedings of Antimasonic Republican Delegates to convention for the county of Norfolk, held in Dedham, the 20th of October, 1834. The Suffolk meeting, November 3, 1834, resolved: "That too much influence has been unconsciously exerted over the legislature of the State by means of the social influence of the aristocracy of Boston," etc. An editorial in the Boston Advocate, November 4, 1834, says: "Will they [the people] exercise their rights as legislators for their own best interests, or will they send men to the legislature merely for the benefit of the great capitalists of Boston and Lowell? * * * Shall Boston make the laws for the State; * * * shall lawyers fix the statutes to their liking? * * * The Whig party * * * [being] entirely under the control of the aristocracy * * * laws * * * will be framed * * * to suit especially, monopolists, men of large capital, and lawyers. * * * Boston will strive to send a regiment of Whigs, all in the interests of monopolists. The country must send her full complement of sound and firm men to meet this army and watch their movements."

The State convention adopted a resolution which has great significance when the future is considered. It was resolved "that means ought to be taken to present memorials to Congress from the people, praying for measures to insure a more thorough qualification of adult foreigners previous to their full admission to the powers of an American citizen, and for a provision extending the renunciation of oaths and foreign allegiance to a like renunciation of all oaths to secret societies."

^bIndependent Chronicle, November 12, 15, 19, December 27, 1834; January 14, 1835. Vermont State Journal, March 10, 22, 1834.

^cNiles's Register, XLV11, 387.

theless, with the Presidential contest coming on, something had to be done to unite the parties. This union was brought about by the nomination of Edward Everett by the Whigs. Such a move could not but be approved by the great mass of the Antimasons, and consequently the choice was ratified in their convention.^a Only a few radical Masons and Antimasons refused to concur in these proceedings.^b The election resulted in an overwhelming victory for Everett.^c

As the Presidential election was approaching the Antimasonic State convention resolved to have a national convention,^d but as no other States agreed the matter was dropped. However, a portion of the party in the legislature met and nominated Webster and Granger.^e

The Antimasons of Massachusetts, with the exception of a few radicals, were completely united with the Whig party in the election of 1836.^f

^a Independent Chronicle, February 28, 1835. The Whigs of the legislature put his name in nomination. On October 11, 1835, the Antimasons ratified the choice, but substituted William Foster instead of Armstrong for lieutenant-governor. Proceedings of convention.

^b Armstrong was dissatisfied because Webster, Everett, and Davis had shut him out, and did not accept the nomination but ran himself. (Adams's Diary, IX, pp. 242, 243.) For other discontent see Independent Chronicle, October 17, 1835.

^c Independent Chronicle, November 11, 14, 18, 1835.

^d Pennsylvania Intelligencer, March 5, 1835.

^e "Resolutions adopted by Antimasonic members of the legislature opposed to the nomination of Van Buren and Johnson," March 9, 1836. See also Vermont State Journal, March 22, 1836.

^f Some of the party worked for Morton, as there was still great hatred of the "aristocratic Whigs." Independent Chronicle, October 28, 31, 1835. Adams's Diary, IX, 313.

CHAPTER XXI.—OHIO.

The Western Reserve of Ohio, settled by a New England population and connected directly with the Antimasonic line of counties which led through Erie County, Pennsylvania, into the "infected district" of New York, formed good soil for Antimasonic doctrines. These counties were also thorough National Republican counties and thus shared the fate of that party.^a

Weed says that in 1828 his paper was ordered from all parts of this district. In his report upon the press in the Antimasonic convention of 1830, Seward traced the beginnings of the agitation in the State to the fact that an "editor fourteen months ago, by invitation, went with only his printing materials from the city of New York, and commenced an Antimasonic paper in Portage County."^b Another account makes Ashtabula the first county in the State to accept the doctrines.^c By September, 1830, Antimasonic presses had been established in Adams, Knox, Tuscarawas, Harrison, Wayne, Richland, Huron, Portage, Geauga, and Ashtabula.^d

Notwithstanding the introduction of the issue into politics in 1829, yet there seems to have been very little political bitterness such as marked the cause of Antimasonry in other States. In fact it is extremely hard to tell the Antimasonic candidates for the legislature from the National Republican. In spite of the great canal system of the State, in politics Ohio contrasted strongly with New York and Pennsylvania, and was more like Vermont. There were no great

^aIn 1828 Jackson carried the State, but the chief support of Adams came from this northern tier of counties.—*Pennsylvania Reporter*, November 11, 1828; *Ohio Sentinel*, Columbus, November 15, 1828. The State, however, elected a National Republican governor by a majority of 2,120. See *Ohio State Journal*, December 4, 6, 10, 18, 1828.

^b*Albany Evening Journal*, March 1, 1831.

^c*Ohio Star*, quoted in *Albany Evening Journal*, October 28, 1831.

^dSeward's report on the press, September 11, 1830.

party questions apparently and no fierce or bitter contentions over sectional matters, such as in Pennsylvania. Each member of the legislature seems to have voted as a general thing independently of party issues. Questions such as roads, canals, and other matters of "purely legislative character appear to have been decided solely on their own merits, without any reference to the political predilections of the members with whom they originated."^a In all the course of Antimasonry in Ohio, there were no controversies upon the subject such as rent the other States.

In 1830 a convention of 30 delegates from 12 counties was held at Canton, Ohio, on July 21. It elected delegates to the national convention, but outside of that does not seem to have been political in its character.^b The party did not grow to any extent, and in 1831 it had but 15 members in both houses together.^c

The nomination of Wirt was received without any great bitterness by the National Republicans. It was said "that aside from our dislike to the party grounds upon which he was nominated, and the decided preferences which we have for another, we feel no objection to his elevation to the Presidency."^d The truth was that the Clay leaders saw that the only hope for their party in Ohio was some kind of a compromise with the Antimasons. If the party split, the case was hopeless. Said a Clay paper of the time:

We must examine our position, and if it promise nothing but defeat, we should agree to change it. * * * If we do not, but plunge on in reckless and hopeless desperation, defeat is an inevitable consequence. * * * If we are so devoted to one man that, if he can not succeed, we care not who does, then, indeed, we ought not to succeed. * * * If petty personal predilections control us, or "coalition" terrify us, the case is hopeless—utterly, irretrievably hopeless; it is consummate folly to proceed in the contest."

^a Ohio State Journal (Clay), February 19, 1829.

^b Ohio State Journal, August 5, 1830. This year the National Republicans again elected their candidate, Duncan McArthur, by about 1,000 votes.—Ohio State Journal, October 28, November 4, 1830.

^c Hamilton (Ohio) Telegraph, quoted in Albany Argus, December 9, 1831. It is probable that many of these were indistinguishable from the Clay members. The Moral Envoy, November 10, 1830, an Antimasonic paper, said that in that year members were elected from Portage, Ashtabula, Geauga, and Huron counties. The Albany Evening Journal claimed Senator Thomas Irwin as an Antimason.—Albany Evening Journal, February 28, 1831. Jonathan Sloan, elected from the Fifteenth district (Lorain, Cuyahoga, Portage, and Medina), in the northeast, was probably an Antimason.—Adams, Diary, IX, 114.

^d Hamilton Intelligencer (Clay), November 19, 1831.

^e Cincinnati Gazette (Clay), May 2, 1832, quoted in Columbus Sentinel, May 31, 1832.

The Antimasonic convention which met on June 12, 1832, at Columbus, after tendering the nomination to several gentlemen who, although Antimasons, refused to split the opposition to Jackson, finally chose Darius Lyman, of Portage County, previously a member of the senate from that district, and pledged an electoral ticket to Wirt and Ellmaker.^a

The nomination was, however, not immediately concurred in by the Clay party, who nominated Governor McArthur. That gentleman, however, declined when it became evident that the lack of unity would defeat him. He gave the following reason for his actions:

With a view of uniting all who are opposed to the reelection of General Jackson, upon one candidate for the office of governor and also upon an electoral ticket for President and Vice-President, and with the hope of accomplishing so desirable an object I have come to the determination to have my name withdrawn from the list of candidates for that office at the ensuing election.^b

Immediately after the above announcement the papers which had been warmly supporting McArthur and abusing the Antimasons turned about and praised the nomination of Lyman upon the ground of expediency and of the necessity of opposing Jackson successfully.^c The union of the parties, however, came too late to quiet all dissensions, and in many counties it was hardly known at all. This was true especially in the southern counties, and led directly to Lyman's defeat. Lucas, the Democratic nominee, received about 8,060 majority. Lyman polled his strongest vote in the northern tier of counties.^d

The Antimasonic State committee, immediately after the election, issued an address recommending the abandonment of

^a Ohio State Journal, June 23, 1832. See also Albany Argus, June 27, 28, 1832. Columbus Sentinel, June 21, 1832. National Historian, St. Clairsville, July 14, 1832.

^b Ohio State Journal, September 15, 1832. See also Albany Evening Journal, September 24, 1832.

^c Said one of these papers: "Darius Lyman * * * is a gentleman of unapproachable character, he is in favor of the Constitution, the independence of the judiciary and the supremacy of the law. He is in principle a National Republican. * * * We are opposed to political Antimasonry, but when we have to choose between a man whose principles we oppose and whose moral character is disreputable; and one who stands high for his talents and integrity and whose politics are National Republican, we can not hesitate." Hamilton Intelligencer, September 27, 1832. For similar expressions, see Ohio State Journal, September 29, 1832.

^d Columbus Sentinel, October 25, 1832. See also Albany Argus, October 18, 20, 22, November 2, 1832; New York Standard, October 17, 1832; Albany Evening Journal, October 29, 1832; National Historian, St. Clairsville, October 27, 1832.

the Antimasonic electoral ticket and the support of the Clay electoral ticket, with the idea that if Wirt had the greater number of votes throughout the country the ticket would be thrown for him—in fact, they proposed somewhat the same arrangement as in New York.^a This brought a storm of protest from the radical Antimasons throughout the State, and led to dissensions and to the dividing of the opposition to Jackson,^b although the National Republican papers tried to keep before the minds of the Antimasons that it was a mu-

Shaded portions represent the strongholds of political Antimasonry.

tual ticket, which would be given to the highest number of votes.^c The coalition was unsuccessful, as Jackson received 4,707 votes for a majority. There were only about 500 votes given to Wirt independently in the State.^d It is entirely probable that the Antimasons of Ohio voted with a fair de-

^a See Columbus Emigrant Extra, quoted in Albany Argus November 2, 1832. See also Albany Argus, October 26, 1832; Hamilton Intelligencer, October 20, 1832; Ohio Sentinel, October 25, 1832; Niles' Register, XLIII, 138.

^b Albany Argus, November 1, 2, 1832; Boston Columbian Sentinel, November 26, 1832. Protests "condemning any bargain" had been made before the union took place. See National Historian, October 13, 1832, report of Uniontown, Belmont County, Antimasonic meeting.

^c Ohio State Journal, October 27, 1832.

^d Ohio State Journal, November 17, 1832, Columbus Monitor Extra, quoted in Albany Argus, November 17, 1832.

gree of enthusiasm for the Clay electoral ticket. They were accused of treachery by the National Republicans throughout the country, but the Ohio Clay papers did not support this charge and praised them for their zeal.^a

This election was the deathblow to Antimasonry in Ohio and although conventions were held after this^b and petitions were sent to the legislature constantly,^c political Antimasonry united in 1834 with the new Whig movement in Ohio which arose over the opposition to the nomination of Van Buren.^d The Antimasonic cause never had great strength in Ohio and is chiefly important for its possibilities to the party if it had developed. The Antimasonic leaders and newspapers of the East gave much attention to it, and as we shall see the party sought a president from the State in the person of Judge McLean.^e

^a Ohio State Journal, November 24, 1832.

^b Pennsylvania Telegraph, March 12, 1834; Pennsylvania Intelligencer, November 26, 1834.

^c Ohio Statesman and Annals of Progress, Columbus, 1899, p. 166.

^d Ohio State Journal, October 25, 1834.

^e For other States see the appendix.

CHAPTER XXII.—ANTIMASONRY IN NATIONAL POLITICS.

As early as 1827 the leaders of the party in New York had already formed the plan of a great national organization, and efforts were made to ascertain the position of Henry Clay upon the question of Masonry, in view of making him a possible candidate.^a

In 1828, as we have already seen, Adams made himself the national leader of Antimasonry by his letter upon that subject during the campaign.^b He, however, did not suit the purposes of the leaders; the "cause needed a new name not before identified with its history. * * * It felt that it could derive no strength or prestige from the nomination of one of its well known and practiced leaders."^c Then, too, he was unpopular in New York and his nomination would hurt the cause there.^d

It was to Henry Clay, therefore, that the party turned for a leader who would unite all the elements of opposition to Jackson; but, unfortunately, Clay was a Mason. As he was known to be but half-hearted in his adherence to the order every sort of pressure was brought to bear to make him renounce it, or at least show that he was in sympathy with political Antimasonry.^e But the actions of the Antimasons

^a Weed, Autobiography, I, 350.

^b Albany Argus, August 6, 26, 1828.

^c Seward, Autobiography, I, 90.

^d Seward to Weed, September 14, 1831. Weed, Autobiography, I, 41.

^e Clay's Correspondence, 304, January 23, 1831. "I have been urged, entreated, importuned, to make some declaration short of renunciation of Masonry, which would satisfy the Antis. But I have hitherto declined all interference on that subject. While I do not, and never did care about Masonry, I shall abstain from making myself any party to that strife. I tell them that Masonry and Antimasonry has legitimately in my opinion nothing to do with politics; that I never acted, in public or private life, under any Masonic influence; that I have long since ceased to be a member of any lodge; that I voted for Mr. Adams, no Mason, against General Jackson, a Mason." See letter to Antimasons in Niles's Register, XLI, 260, in which he said that to use the power of Government to "abolish or advance the interest of Masonry or Antimasonry * * * would be an act of usurpation or tyranny."

of New York, as reported throughout the country,^a as well as the inconsistency of renouncing Masonry for merely political purposes, led him to "disclaim and repudiate the party."^b This was a hard blow to Weed and his fellow-politicians, who had carefully worked the matter up for some time under trying criticism and adverse circumstances.^c

The Antimasons "generally sympathized with Mr. Clay upon questions of Government policy, and especially in regard to the question of protecting American industries."^d So anxious, indeed, were they to secure Clay as a leader that the Antimasonic papers industriously tried to clear away and explain the Masonic stain. It was said that Clay looked upon Masonry as a "mere bauble." He had but to utter the slightest platitudes (as was afterwards the case with Wirt) to become the candidate of the party. Said the Antimasonic Providence American:

We care not about his renouncing Masonry, but he should let us know that he is bound by no oaths and no ties that have not for their [aim] his country's welfare, his whole country's good. Another year will not pass before we shall see this, or Henry Clay is not the "frank and peerless man" he has ever shown himself.^e

Hopeless of securing Clay, the leaders looked around for a candidate who would in some way be in sympathy with their doctrines and at the same time be popular in the three great States of New York, Pennsylvania, and Ohio. Calhoun was considered, because, as Seward said, "Calhoun, more than any other of the candidates, talks Antimasonry,"^f but he was an impossibility, because "the stain of nullification" was "too

^a Weed, *Autobiography*, I, 353.

^b *Ibid.*

^c The action of the Clay Masons in New York in the election of 1830 aroused the indignation of many of the Antimasons and made it exceedingly hard to put his name forward. The executive committee of the Antimasonic party in New York wrote to him, November 24, 1830, and told him they could "not directly support him because of the election of 1830." Clay's *Correspondence*, 290.

^d Weed, *Autobiography*, I, 350. See also Clay's *Correspondence*, 309. *Independent Chronicle*, September 12, 22, 1832. This was true everywhere, except among some of the Germans of Pennsylvania.

^e *Albany Evening Journal*, June 6, 1831. See also *Ibid.*, August 3, 1831, and the account of the Antimasonic and National Republican meeting at Abington, Mass., July 4, 1832, for similar expressions. Certificates, probably false, were made to show that he had demitted. *Niles Register*, XLI, 346. Rush offered his services to Clay, if he would conciliate the Antimasons. Clay's *Correspondence*, 299.

^f Seward, *Autobiography*, I, 184. He did not believe in proscription, however.—Calhoun's *Correspondence*, Manuscripts Commission, 1900, pp. 293, 296.

black upon his record."^a Richard Rush was then thought of, but he soon made it known that he should decline if offered the nomination.^b

Negotiations were next opened with McLean, of Ohio. Ohio seemed to furnish good ground for the Antimasonic spirit, because of its large National Republican New England population, and it was hoped that if McLean was nominated the State would become Antimasonic. The party would then, it was thought, control the three great States.^c McLean was communicated with and gave his consent on condition that no other candidate should be put forward against Jackson.^d New England, however, strongly favored Adams and was jealous of McLean, because it was thought that he was "a protégé" of Calhoun's, a feeling which was thought by Seward to have been "grounded upon conversation with Mr. Adams regarding McLean."^e Seward went to Boston to patch the matter up, and found Adams unwilling to run, although, if nominated, he would not decline. He did not wish to disrupt the National Republican party, and regarded "a harmonious choice at Baltimore" as "vastly more important than a personal question."^f

Before the convention assembled it became known that Clay would accept a nomination from the National Republicans. This brought a letter from McLean declining the nomination.^g The party was thus left without a candidate when the convention opened. However, Weed, accompanied by John C. Spencer, Albert H. Tracy, of New York, and Dr. Abner Phillips, of Boston, called upon William Wirt and induced him to become a candidate,^h although he was a Mason and had never renounced the order. He was, nevertheless, nominated.ⁱ

^a Seward, *Autobiography*, I, 184. Says Seward, "the free, the cold, clear, intelligent North is the field for the growth of our cause. Let us not jeopardize it by transferring its main stalk into South Carolina sands. The great States which we need, and must combine, are Pennsylvania, Ohio, and New York. In these Calhoun is lost." *Ibid.*, I, 195.

^b Adams's *Diary*, VIII, 403.

^c Seward, *Autobiography*, I, 195.

^d Weed, *Autobiography*, I, 389.

^e Weed, *Autobiography*, II, 41.

^f *Ibid.* See, also, Seward, *Autobiography*, I, pp. 198, 206.

^g Weed, *Autobiography*, I, pp. 390, 391. I have not included an extended account of the convention, because the proceedings throw no new light upon the subject. The proceedings contain the average Antimasonic speeches and are of little significance.

^h Stevens opposed his nomination to the last moment, thinking that if the nomination was forced upon McLean he would accept. Seward, *Autobiography*, I, 90.

His letter of acceptance states his ideas upon the subject. It may be called a practical renunciation of Masonry, although he nowhere announces the fact explicitly, nor does he condemn and denounce the order. In fact, his letter makes light of the whole affair, and is in astonishing contradiction to the supposedly proscriptive tendencies of the movement. He does not say that no Mason should be elected to office. In short, he says nothing which could be objected to by the Masons of the National Republican party. This remarkable document said, in substance:

I have repeatedly and continually, both in conversation and letters of friendship, spoken of Masonry and Antimasonry as a fitter subject for farce than tragedy and have been grieved at seeing some of my friends involved in what appeared to me such a wild and bitter and unjust persecution against so harmless an institution as Free Masonry.

He then acknowledged that he had received a sudden change of ideas upon the subject, and did find some harm in the action of some of the overzealous members of the order. As to Antimasonry he said:

I had supposed that the very principles of your union was a war of indiscriminate proscription against all persons throughout the United States who had ever before borne the name of a Mason; that you would put in nomination no person who had ever been a Mason himself, and who would not moreover pledge himself to become party to such a war of indiscriminate extermination, and wield the appointing power of the office under your dictation; who would not, in short, become the President of your party instead of being the President of the United States. I am happy to find that this is an error; * * * I am relieved from both these apprehensions by learning since your assemblage here that you have no other object in view than, in effect, to assert the supremacy of the laws of the land; that you seek to disturb no portion of the peaceable and virtuous citizens of our country.^a

Such equivocation and so entire a reversal of all they had been fighting for disgusted the more earnest Antimasons and it was held by many that from the principles he avowed he "had no claim for the support of the Antimasons superior to either Jackson or Clay."^b Wirt's actions, too, after the nominations were not such as would inspire hope or confidence. He was old and sick, and no sooner was the step taken than he

^a See "Letters of Rush, Adams, and Wirt." Boston, 1831, p. 46. Kennedy's *Life of Wirt*, II, 304. "Proceedings of Convention of 1831," Boston, 1832. Niles's *Register*, XLI, 83.

^b *Huntingdon Gazette* (Pennsylvania) quoted in *Albany Argus*, October 18, 1831. Niles's *Register*, XLI, 378.

wished to withdraw. He said that his only object in accepting the nomination was to unite the party, and as he could not do this, he did not want to continue in the race, but desired the election of Clay.^a The leaders were, however, more than satisfied and immediately set about forming schemes for getting the votes thrown upon Antimasonic grounds for Wirt to benefit Clay, the Mason who had scorned their cause. How well they accomplished this we have seen. We have seen that their plans miscarried in every State except New York, Pennsylvania, and Ohio, and even in Pennsylvania the Germans broke away and threw their votes for Jackson.^b

The national election of 1832 proved the futility of trying to run a national ticket again on the Antimasonic issue. Indeed, the chief leaders thought the party politically dead.^c But if it was dead as a national party, yet it was obvious that the support of these sections was absolutely necessary to the next anti-Jackson nominee of 1835. It was also obvious that Clay, because of his lack of prestige in those districts on account of his previous campaign position and his compromise upon the tariff question, could not hope to unite these elements into the anti-Jackson party of the future.^d

Daniel Webster had upon various occasions shown his sympathy with the Antimasonic cause,^e and Clay being an impossibility, the party now turned their eyes toward him. On January 10, 1833, he was nominated by a meeting of the Antimasons of the legislature of Massachusetts, and all through that year he intrigued with the great leaders in New York for their support.^f We have already seen how he gained the support of the radical Antimasons in Pennsylvania by his letter in which he severely condemned Masonry and agreed with their tenets.^g The fact that he came from New England, together

^a Kennedy's Life of Wirt, II, pp. 317, 319, 363, 369.

^b Weed and Wirt both assert that Clay's refusal to renounce Masonry spoiled his chances for the Presidency. Weed, Autobiography, I, 354. Kennedy's Life of Wirt, II, 380. It is probable that he could never have secured it even if he had renounced. If Clay had become an Antimason he would have lost many votes not only in Pennsylvania and New York, but in New England, especially in the cities where the Antimasons were bitterly hated, and it is probable that he could not have gained much from the German Antimasonic Jackson vote of Pennsylvania.

^c Seward, Autobiography, I, 232. Adams's Diary, IX, March 27, 1834.

^d See extracts from Ontario Phoenix, New York, and Boston Free Press, in Albany Evening Journal, March 30, 1833. See also Albany Evening Journal, February 26, 1833.

^e Adams's Diary, IX, 71.

^f Tracy to Weed, June 10, 1833. Weed, Autobiography, II, 49.

^g Niles Register, XLIX, 293, gives the letter.

with his attitude toward the South, made him difficult to accept throughout the country. A new man of no positive principles was demanded for such a disjointed movement as the Whig party. Accordingly Harrison's statement, that Freemasonry was a "moral and political evil," was made to serve what purpose it could, and although the Massachusetts Antimasons again nominated Webster and coupled with his name the champion of New York Antimasonry, Francis Granger,^a Harrison had not only all the important States at his back, but a large following in the South, and, as we have seen, remained the candidate of the party.^b

On September 11, 1837, fifty-three Antimasons from Pennsylvania, Ohio, New York, and Massachusetts met in Philadelphia and decided to hold a nominating convention the next year. On November 13, 1838, this convention met in Philadelphia, and after denouncing the Administration, and especially the subtreasury plan, upon the motion of the reconciled Stevens, nominated Harrison and Webster.^c Webster was again sacrificed to the interests of the Southern Whigs and Tyler was nominated in his place. This marks the closing scene of the Antimasonic party in national affairs.^d

Although various attempts were made to unite the Antimasonic members in Congress into a party, yet they all failed,^e and Antimasonic members voted with the National Republicans almost without exception.^f

^a Vermont State Journal, March 22, 1836.

^b The ticket was Harrison and Granger, finally.

^c Niles Register, LV, pp. 176, 221. Pennsylvania Intelligencer, November 16, 1838. Pennsylvania Reporter, November 16, 1838. An electoral ticket, pledged to support this ticket, headed by ex-Governor Shulze, was nominated soon after in Pennsylvania. Niles Register, LV, 209. The Pennsylvania Telegraph, the organ of the Antimasons, kept these names at the head of its columns till December 11, 1839, when they gave place to the regular Whig nominees.

^d The National Christian party, founded in Illinois in 1867, kept up the idea. On September 12, 1882, they erected a monument to Morgan. Weed says that Seward's anti-masonry hurt his chances for nomination in 1860. Weed, Autobiography, II, 295.

^e Adams's Diary, VIII, 430, gives the only instance of such organization. At the beginning of the Twenty-second Congress eighteen of the party threw their votes for John W. Taylor, of New York, for speaker. For Antimasonry in Congress see also Adams's Diary, VIII, 441, IX, pp. 114, 372.

^f See votes on bank question, Albany Argus, January 9, 1832; Albany Evening Journal, July 6, 1832. Deposit bank bill, Harrisburg Chronicle, June 29, 1836. The bill to prevent the circulation of the notes of the Bank, Pennsylvania Reporter, April 27, 1838. On the tariff, Albany Argus, January 11, 14, 1833; Pennsylvania Intelligencer, January 10, 1833. The act to appropriate the proceeds of the sales of public lands, Pennsylvania Telegraph, September 20, 1832.

CHAPTER XXIII—ANALYSIS OF ANTIMASONRY.

Having considered the political history of the party, it is well to inquire before completing this study as to the conditions that caused the movement and to point out some of the significant factors in its organization and the incidental aids to its growth. That antimasonry should have sprung into prominence from apparently so slight a cause leads us to suspect that there were a great many more reasons for its rapid growth and strength than the excitement over the abduction of William Morgan.

The peculiarly desperate and declining condition of the opposition to Jackson and the connection of this opposition with the young strength of Antimasonry has been already considered in this paper. There are, however, conditions favorable to the growth of Antimasonry and incidental to it which have received but slight mention and must now be summed up and given their place before a history of the Antimasonic party is complete. The first thing that strikes our attention upon closer inspection is that this strange agitation occurred in the remarkable period of the Jacksonian Democracy, an era in America of the Renaissance of the Rights of Man, and of renewed Jeffersonism. It was a period, too, of the extension of the franchise, of humanitarian movements such as temperance, abolition of capital punishment, and of imprisonment for debt, of the struggle for workingmen's rights, of educational reforms, of Owenism, of Fanny Wrightism, of the beginnings of the Abolition agitation, and of many other equally radical movements. In religion also it was an age of free thought, discussion, struggles over dogma, and with it a strong reactionary spirit which was almost fanatical in its hatred of the new French ideas and of Unitarianism and free

thought in general. The religious activity of the time is shown by the agitations over the Sunday mail, the proposed Christian party in politics, the increased zeal for missions, Bible and tract societies, the growth of the Mormons and other peculiar sects, and of the powerful Campbellite agitation in the South. Europe was occupied with the French and Polish revolutions which especially excited American sympathies. It is not surprising that out of this seething mass Antimasonry should have risen. We must, then, in order to find the true basis of the party look beyond the mere Morgan incident and examine into the conditions we have observed and find the reasons outside of those already mentioned which made possible the rise of so great a political movement from so apparently trivial a cause.

The first fundamental consideration is the attitude of the Masons. All evidence points to the fact that at the time of the Morgan affair the Masonic institution "may be said to have been in its palmy state" ^a and had in its ranks the wealthy and influential men in all walks of life. When it was attacked because of the Morgan abduction, its loyal members sprang forward at once to defend it by tongue and pen. Papers were established and able editors secured to defend the order, ^b while other papers under the influence of the order or from political purposes either fought its battles or sought to hush up the outcry. ^c The strength gained by this means was so great that in the early part of 1827 there was actually a reaction in favor of Masonry. ^d The members of the order grew confident, entered politics, and boldly upheld their principles. ^e

^a Hammond, Political History of New York, II, 237.

^b The Craftsman of Rochester, the Masonic Tyler and Anti Masonic Expositor of Philadelphia, the Xenia Atheneum of Ohio, New York Saturday Evening Gazette, Boston Masonic Mirror, Anti Masonic Opponent of Lancaster, Pa., and many others.

^c Such was the case with nearly all the Democratic papers and some of the National Republican papers, such as the Ohio State Journal, Boston Columbian Sentinel, Albany Advertiser, Boston Independent Chronicle, Pawtucket Chronicle, Groton (Mass.) Herald.

^d Weed, Autobiography, I, 249.

^e Weed, Autobiography, I, pp. 300, 350. At this time they openly called the men who had pleaded guilty of abducting Morgan "Masonic martyrs." It has been asserted by Rush (Letters on Freemasonry, Boston, 1831) that not a single one of these men was expelled from the order. Notices of such expulsions have been looked for, but have not been found. Masonic papers and histories since have been industriously engaged in seeking to disprove the Morgan abduction. The American Freemason of Louisville was especially strong in its arguments. See also The Masonic Martyr, by Robert Morris, Louisville, Ky., 1861. This gives a Masonic account of the conviction of Eli Bruce, sheriff of Niagara County.

Such determined opposition and such strength displayed served only to prove their opponents' arguments that the organization was using its strength for political purposes,^a and that they were trying to subvert the Government. This added fuel to the flame and led to a white heat of excitement which finally demolished their lodges and destroyed their organization. If they adhered to their doctrines they were accused of fostering the "spirit of their indomitable opponents,"^b while, on the other hand, when they renounced it was looked upon as an additional proof of their misconduct and original evil intentions. Said Harvey, a Mason:

Lodges by scores and hundreds went down before the torrent and were swept away. In the State of New York alone upward of 400 lodges, or two-thirds of the craft, became extinct. * * * In June, 1838, there were only 46 lodges at work in Pennsylvania.^c

The majority of the Masons were thought to be naturally opposed to the Jacksonian Democracy,^d forming as they did a select class in the community; but whether this was so or not, it became evident that the most of them were driven eventually into the Jackson party. The reason for this is twofold: (1) The union of the Antimasons with the National Republicans, especially in New York, Pennsylvania, and Ohio. (2) The attitude of Jackson, who alone of the great leaders supported and praised the Masonic institution openly, and even in the midst of the excitement complimented the Grand Lodge of Massachusetts and declared that in his opinion "the Masonic society was an institution calculated to benefit mankind and trusted it would continue to prosper."^e In Pennsylvania it was said that the grand lodge became a body of Democrats;^f in New York the Democratic party became full of

^aQuotations were given in the Antimasonic papers showing that Masons had appealed to brother Masons for votes upon purely Masonic grounds. One of these was from the Boston Sentinel, March 30, 1816, in which an article appeared stating that a Mason was under obligation to vote for a brother Mason and signed by a Master Mason. Another one was an appeal to the Masons to support Clinton for governor of New York. This article appeared in the New York National Union October 30, 1834. These can be found in almost any volume of Antimasonic newspapers.

^bNew York Commercial Advertiser, in Ohio State Journal, December 1, 1832.

^cHarvey Lodge 61, F. and A. M., Wilkesbarre. See also notices of dissolution in Albany Argus, March 13, 1829; Albany Evening Journal, December 2, 1830, and July 2, 1833 (proceedings of grand lodge held June 5); Independent Chronicle, Boston, August 23, 1834. Schultz History of Freemasonry in Maryland, III, 6; Niles' Register, XLVII, 281.

^dWeed, Autobiography, II, 40.

^eSeward, Autobiography, I, 145.

^fHarvey Lodge 61, F. and A. M., Wilkesbarre.

Masons,^a and in the other States the same tendency was exhibited. As time went on, however, it became apparent that the Antimasonic party was little more than an Anti-Jackson party, and consequently the Masons crept back into the National Republican ranks and worked with so-called Antimasons like Weed. The various "coalitions" which have been previously described show us this plainly.^b

The next element to be considered is the religious and moral basis of Antimasonry. We have already noted that the period was one of intense religious activity. On July 4, 1827, in the Seventh Presbyterian Church of the City of Philadelphia, Ezra Stiles Ely preached a sermon in which he said:

I propose, fellow citizens, a new sort of union, or if you please, a Christian party in politics, which I am exceedingly desirous all good men in our country should join, not by subscribing to a constitution, but by adopting and avowing to act upon religious principles in all civil matters.^c

Such a statement could not but cause excitement in so democratic a period, and when a great petition was drawn up requesting Congress to pass a law forbidding the transportation of the Sunday mails, it was immediately thought that a party was in formation which had as its object the union of church and state.^d At this time also the more orthodox members of the Congregational Church were alarmed at the different beliefs creeping into their fold and strove to have their creed more strictly defined. For this purpose it was proposed by many to adopt synods like those of the Presbyterian Church in order to define their tenets exactly. A large body of the church even desired the union of the two churches.^e Under these circumstances, many people became uneasy and feared lest the final outcome of these conditions and such expressions should result in the union of church and state. Charges that the union was in progress were frequently made, particu-

^a Hammond, *Political History of New York*, II, 402, Whittlesey's account.

^b For Masons voting for Antimasons, see Weed, *Autobiography*, I, 369. *Albany Argus*, August 4, 1828; February 5, June 3, 1831; August 14, October 9, 1832; *Albany Evening Journal*, September 24, 1832; August 3, 1833. Mr. Holcomb's speech in the Pennsylvania house of representatives, *Pennsylvania Reporter*, March 4, 1834. For Antimasons voting for Masons, see *Albany Argus*, March 22, 26, October 5, 14, 16, November 27, 1830; September 18, 1832. *The Sun*, of Philadelphia, quoted in *Pennsylvania Reporter*, September 10, 1830.

^c *Ohio State Journal*, February 2, 1831.

^d *Vermont Watchman*, May 5, 1829. *Ohio State Journal*, November 4, 1830. *Pennsylvania Reporter*, January 29, 1830; March 4, 1834 (?).

^e *Cincinnati Christian Journal* (Presbyterian), January 14, 1831.

larly by the liberals and the opponents of the Presbyterians and Congregationalists.^a

The Antimasonic party, having so many of the prominent religious men of the country in its ranks and being at this time in a crusade in which "churches were distracted,"^b naturally entered as another element in the religious distress of the period. In New England this was especially true as the party there was composed of the ultra religious country people already in opposition to the liberal spirit of the cities. It can be easily seen from these circumstances that the party soon received the stigma of the "Christian party in politics."^c

Indeed if there was a religious party in existence it was the Antimasonic, for it wielded religion as one of its strongest weapons. Not only was every effort directed against Masonic preachers and laymen,^d but the churches in their councils condemned the order. The charge was made that the—

Masonic Society professes to find its foundation in the sacred volumes, to have an intimate relation with Solomon's Temple, and to be a religious fraternity—a household of faith—a band of mystic brethren. Examining it in the light, we find the religion of the association to be a mixture of Paganism and Mohammedanism, with a corruption of Judaism and Christianity; for many professed Christians, many Baptists, Jews, and even Gentiles are found in its community. We also find that it perverts the meaning [of Christianity] and is full of names of blasphemy and [is guilty of] administering illegal, profane, and horrible oaths.^e

^a Christian Register (Unitarian), Boston, August 23, 1828. This paper contains also a reference to the Christian Advocate and Journal, New York, August 15, to the same effect. The orthodox in New England were charged with the "design of electing an orthodox State legislature, with the ultimate purpose of renovating our supreme judicial court and bringing it under subserviency to the dictation of orthodox ecclesiastics." * * * The Recent Attempt to Defeat the Constitutional Provisions in Favor of Religious Freedom Considered in Reference to the Trust Conveyance of Hanover Street Church, Boston, 1828.

^b Weed, Autobiography, I, 289.

^c Albany Argus, September 25, 1829; November 29, 1831. Lancaster Anti-masonic Herald, April 16, 1830. So strong was the fear of the union of church and state that a paper was founded with the avowed object of preventing it. The paper was called "The Defender of Our Religious Liberties and Rights," and in its prospectus it announced its purpose to be "to expose and resist such measures, in either sect, the design or tendency of which appears to be the union of spiritual and temporal power or sectarian ascendancy or aggrandizement." Albany Argus, June 10, 1831. The Antimasonic papers of the day all have a religious tone. The Albany Evening Journal, the Lancaster Antimasonic Herald, and Vermont papers all show this.

^d Such as to exclude them from communion. Albany Argus, January 5, July 19, 1829; September 10, 1831; November 24, 1832. Weed, Autobiography, I, 249.

^e Proceedings of the Dutch Reform Church, in Hackensack, N. Y., June, 1831. In Pennsylvania Telegraph, September 21, 1831. See also like phrases in North Star, Danville, Vt., April 12, 1831, copied from the Boston Christian Herald; and also proceedings of joint meeting at Sangerfield, N. Y., March 14, 1830; in Lancaster Anti Masonic Herald, February 12, 1830.

The Antimasons in their political meetings passed resolutions similar to the above.^a

Even before the disappearance of Morgan the Presbyterian Church, in the synod of Pittsburg which met January, 1821, condemned the Masonic institution as unfit for professing Christians.^b After the Morgan incident occurred the church took a decided stand against the society throughout the country, bade its ministers renounce it, and its laymen to sever all connections with it and to hold no fellowship with Masons.^c

What the Presbyterians were to the West the Congregationalists were to New England and eastern New York. They attacked at one and the same time the Unitarians, the Universalists, and the Masons. In New England Antimasonry was looked upon as "nothing more than orthodoxy in disguise."^d

^a See report of committee appointed "to consider nature, principles, and tendency of Freemasonry as regards its effects on the Christian religion," in the proceedings of the national convention of 1830. Maynard was probably the author of this report. See also proceedings of the convention of delegates opposed to Freemasonry, at Le Roy, Genesee County, N. Y., March 6, 1828; proceedings of Massachusetts convention, 1829; Boston Daily Advocate Extra, October 5, 1832, for reply to statement of 1,200 Masons, December 21, 1831. For Democratic accounts see Freeman's Journal, Cooperstown, N. Y., September 20, 1830, and Albany Argus, September 17, 1830.

^b Lancaster Anti Masonic Herald, January 22, 1830. See also Harvey Lodge, No. 61, F. A. A. M., Wilkesbarre, p. 81.

^c See proceedings of Genesee Synod, September 30, 1829; Oneida Synod of February, 1820, in Boston Christian Herald, quoted in Vermont North Star, May 3, 1831. See also North Star, September 28, 1830, for other notices. It was said by the Masons that "nearly every Antimasonic press is under Presbyterian surveillance." Craftsman (Masonic) in North Star, Danville, Vt., May 5, 1829. This in the language of the day would include the Congregationalists. Wirt says that it was suggested to him that the Presbyterians were coming to his aid. Kennedy's Life of Wirt, II, 314. For a typical Antimasonic document by a Presbyterian preacher see, "Masonry proved to be a work of darkness repugnant to the Christian religion and inimical to the Republican government; by Lebeus Armstrong, late pastor of the Presbyterian Church of Northampton, * * * in the State of New York." Hartford, 1833.

^d Adams's Diary, IX, 11. Adams says that Lieutenant-Governor Armstrong was nominated by the National Republicans for his orthodoxy so that the orthodox party might be conciliated. The orthodox as a whole leaned toward Antimasonry. See Boston Recorder (Congregationalist), July 27, 1831, "Anti Universalist" quoted in Moral Envoy, September 22, 1830. For the views of a Congregational Antimasonic minister, see "An address delivered at Weymouth South Parish, June 21 (1829?), by Moses Thacher, pastor of the church at North Wrenthams, Mass. Beecher, the celebrated Boston Congregational preacher of the time, was apparently an Antimason. Adams's Diary, VIII, 379. For the attitude of the church in New York, see "Reply of the Genesee Consociation to Joseph Emerton," 1830(?). The Unitarians and Universalists condemned the excitement and refused to take part in it, a proceeding of course which ranked them with the Masons in the eyes of the Antimasons. See Christian Register (Unitarian), Boston, September 12, 1829, December 19, 1829. See also quotations from the Universalist magazine, the Olive Branch, of New York, in American Masonic Register, September 21, 1839. In one of the Vermont papers opposed to the Antimasons appeared a curious letter in which the writer made the following appeal: "Universalists, awake! awake from thy slumbers; and show to these orthodox [Antimasons] that we are yet a majority and that we calculate to retain the majority." From Vermont Patriot, quoted in Vermont State Journal, March 11, 1834.

As early as 1823 the General Methodist Conference prohibited its clergy from joining the Masons in Pennsylvania, and during the Masonic excitement it was said by the Antimasons that "No religious sect throughout the United States has done more for the Antimasonic cause than the Methodists."^a It forbade its members to join lodges or to be present at any of their processions or festivals, and passed strict rules against ordaining any ministers who belonged to the order.^b The Methodist Church was rent and torn by the struggle, and many churches fearing the strife did not allow the question to come up, but passed nonpartisan resolutions.^c

The Baptist Church also was rent with dissensions over the question, although not to so great an extent as the churches previously mentioned. Papers which opposed Masonry were founded by members of that faith (or of some of its more radical branches),^d and different church communities throughout the country passed resolutions denouncing the order.^e Many other sects also condemned the order or had already provisions in their creed against it. Among these were the Dutch Reformed,^f the Mennonites, the Dunkards, and the Quakers.^g

Many of the friends of temperance, at this time a very strong and growing reform, were also enemies of Masonry.

^a Lancaster Antimasonic Herald, October 9, 1829.

^b See proceedings of the Pittsburg annual conference of the Methodist Episcopal Church in Lancaster Anti Masonic Herald, September 24, 1830; also, resolutions of the annual conference of the Methodist ministers held at Perry, Genesee County, N. Y., July 29, 1829, in Lancaster Anti Masonic Herald, August 14, 1829; proceedings of the Massachusetts Antimasonic convention of 1831; account of the quarterly meeting of the Methodist society on the Sparta circuit and resolutions in the Rochester annual State conference in Rochester, June, 1829; in the North Star, Danville, September 18, 1829; also, the same paper, January 6, 1829, for resolutions at Monkton, Vt., and account of the renunciation of many ministers in the Ohio conference of that year; account of meeting of Methodists in Marengo County, Ala., May 13, 1829, condemning the order, in Lancaster Anti Masonic Herald, July 31, 1829.

^c See notices in Albany Argus, June 11, 1829, and also resolutions of a nonpartisan nature passed at Portsmouth, N. H., at a Methodist conference. Albany Argus, November 25, 1829.

^d Baptist Herald of Boston.

^e Baptist Church at Ira, Vt., in Danville North Star, September 28, 1830; Conquest, N. Y., June 6, 1829, Second Baptist Church of Onondaga County, N. Y., May 23, 1829, in Lancaster Anti Masonic Herald, August 14, 1829. See articles in Albany Argus, April 15, August 8, 1829, relating to Baptist churches. See also New York Baptist Register, September 14, 1827; Le Roy Gazette, December 29, 1827, for troubles in the churches of Le Roy, York, Elba, Stafford, and Byron. Weed, Autobiography, I, 249.

^f General Synod, June, 1831, condemned Masonry and bade its ministers renounce, and forbade the receiving into communion any member of the order. Pennsylvania Telegraph, September 21, 1831.

^g Antimasonic Herald, August 27, 1830.

The Masons frequently used wine in their festivals, and it was claimed that their associations tended in many ways to spread the drink evil.^a Many of the temperance papers were either entirely in favor of the Antimasonic movement or were inclined that way.^b

The connection of the Jacksonian party with the increasing foreign population, composed as it was of so many Irish Catholics, added another element to Antimasonry. "Masonry, Roman Catholic Faith, Monks, and the Inquisition" were often put in the same category.^c "Popery and Freemasonry" were denounced as "schemes equally inconsistent with republicanism," and every escape from the "trainmels of these horrid oath-binding systems" was viewed as an "emancipation from the very fangs of despotism."^d Such a spirit led naturally to the Native American doctrines of the future; indeed, many of the prominent Antimasons became leaders of that excitement.

The party, as we have already seen, was active in organizing the political phase of antislavery in Pennsylvania; and in New York it was the western part of the State, the "infected district," which afterwards took up the abolition agitation in that vicinity. Some of the great leaders, like Weed, Seward, and Stevens, were afterwards among the great leaders of national antislavery activity.

Another fact to be noted about Antimasonry was that it was essentially democratic and partook of the democratic spirit of the age. This may appear to be a strange statement

^a See discussions in Massachusetts house of representatives, in which the Antimasons tried to fasten the charge of intemperance upon the Masons. *Pennsylvania Telegraph*, February 20, 1830. See also proceedings of the Massachusetts Antimasonic convention of 1829. See also *Fall River Moral Envoy*, June 30, 1830.

^b The *Genius of Temperance*, of Albany, was looked upon as an Antimasonic paper. *Albany Argus*, April 16, 1833. Frequently papers were, like the *Ithaca Chronicle*, devoted to Antimasonic, temperance, moral, and religious news. *Moral Envoy*, April 14, 1830. The *Albany Evening Journal* made some pretensions of being a temperance paper when it was first started. Mr. Rudolph Kelker, of Harrisburg, an eyewitness of the movement in Pennsylvania, mentions intemperance as one of the strongest arguments put forward against the Masons.

^c See quotation from the *Tuscarawas Chronicle* (Antimasonic) in *Ohio State Journal*, April 16, 1829.

^d See quotations from the *Indiana County Free Press* in *Pennsylvania Reporter*, April 15, 1830; see also quotations from *Greensburg Gazette* (Antimasonic) in *Pennsylvania Reporter*, April 30, 1830; also quotations from the *Saturday Protestant* in *Harrisburg Chronicle*, August 22, 1838(?). Egle's account of the Buckshot war, *Pennsylvania Magazine of History*, XXIII, 137. See, in general, the account of Antimasonry in Pennsylvania.

at first glance, because it seems contradictory when we examine the religious and social composition of Antimasonry and find that the conservative elements made up its membership, but it must be remembered that even the conservative classes were influenced by the spirit of the age. It has been before stated that the Masons as a class occupied the higher positions of society and the State.^a They were therefore looked upon as members of an antidemocratic institution, the object of which was to "benefit the few at the expense of the many, by creating a privileged class in the midst of a community entitled to enjoy equal rights and privileges."^b

The names and ceremonies used by the Masons were especially the subject of attack. We read:

Will the people of the Republic suffer slavery and oppression because it has assumed the name of masonry instead of monarchy? Will they suffer grand kings and grand princes and rights and privileges because they hypocritically feign to be republican when by no other name could Americans be enslaved?^c

And again:

Resolved, That the Antimasonic party is an organization of the people against a secret society—of republicans against grand kings—of American citizens against the subjects of the Masonic empire, which extends over Europe and America and is governed by laws paramount to all other law.^d

^a Lists given in the Antimasonic papers of the day bear this out. We find by examining this list that the Masons had a very large number of doctors, lawyers, merchants, teachers, bankers, and politicians in their ranks. This fact can be very easily verified by examining the lists of notable men of the period or by turning the leaves of such a book as Harvey's History of Lodge No. 61, F. and A. M., Wilkesbarre. For statements from the Antimasonic side, see Lancaster Anti Masonic Herald, August 14, 1829, Anti-Masonic Statesman, Harrisburg, May 4, 1831, and the address of the State convention of May 25, 1831, in the same paper for June 1, 1831.

^b Journal of the Proceedings of the Second National Anti Masonic Convention at Baltimore, printed in Boston, 1832. See also similar expressions in account of the national convention of 1830; Mr. Holley's resolutions, in the Albany Evening Journal, September 22, 1830; Herkimer, N. Y., county convention, in Albany Evening Journal, October 9, 1830; Anti Masonic Review, p. 257.

^c Lancaster Antimasonic Herald, July 10, 1829.

^d Dauphin County (Pa.) meeting, August 15, in Pennsylvania Intelligencer, August 18, 1836. For similar expressions see Steven's resolution in the appendix; the Anti Masonic Statesman, Harrisburg, June 1, 1831; Pennsylvania Telegraph, May 9, 1832; Lancaster Antimasonic Herald, July 10, August 5, 14, 28, September 25, 1829; Vermont State Journal, June 9, 1834; Le Roy Gazette, September 27, November 15, 1827; proceedings of Massachusetts conventions of 1829 and 1831; account of the meeting at Dedham, Mass., Christian Register, Boston, January 17, 1829; Everett's letter to Middlesex County committee, Independent Chronicle, July 17, 1833; The Broken Seal, by S. D. Greene, editor of Boston Christian Advocate, printed in Boston, 1870, page 211; An Oration Delivered at Fanueil

The revolution in France had many friends in America, but there were also many who had no sympathy for the revolutionists or their principles. The New England Antimasons and Antimasons elsewhere of New England affiliations viewed the revolution in France with suspicion and distrust. They had a horror of any sort of a democracy which would lead to disorder or atheism. It was well known that secret societies had played a large part in all the French democratic struggles. These facts furnished the Antimasons in America with good ammunition at a very opportune time. As early as 1828 the Le Roy convention passed a resolution "That we discover in the ceremonies and obligations of the higher degrees of Masonry principles which deluged France in blood, and which led directly to the subversion of all religion and government."^a This view, however, was not universal, for many instances occur, especially outside of New England, where praises of the revolution were sung and resolutions were passed favoring it.^b The guarded and eclectic sort of republicanism manifested by the party in New England was expressed by the opposition to foreigners, as shown in resolutions favoring restriction of the naturalization laws.^c In Pennsylvania it is shown, as we have seen, in the hatred for Catholics, but there, too, one may see traces of all the New England prejudices, in such documents as Steven's resolutions.^d

Another peculiarity of Antimasonry is that it found its chief support in the country and not in the city. Everywhere

Hall, July 11, 1831, by Timothy Fuller, Boston, 1831. The Moral Envoy, June 9, 1830, gives an extract purporting to be from Hardie's Masonic Monitor, which says that "men in low circumstances, although possessed of some education and of good morals, are not fit to be members of the institution. They ought to know that Freemasonry requires not only knowledge but ancestry, and decent external appearance, to maintain its ancient respectability and grandeur." Quotations of this sort, without regard to time, place, or country, were considered by the party as good material to prove their charges.

^aProceedings of a convention of delegates opposed to Freemasonry, Le Roy, Genesee County, N. Y., March 6, 1828. See also report of committee to consider the connection between French Illuminism and the higher degrees of Freemasonry, in proceedings of a convention held at Faneuil Hall, December 30, 31, 1829, January 1, 1830. Printed, Boston January, 1830. For controversies over the question see, Ancient Freemasonry Contrasted with Illuminism or Modern Masonry, by "Tubal Cain," Utica, 1831. Proceedings Massachusetts convention of 1829 gives a history of Illuminism and connects it with Masonry. See also article in Le Roy Gazette, October 18, 1827; Report of Committee of Grand Lodge of Maine in American Free Mason, II, 82; Moral Envoy, July 14, 1830.

^bSee Proceedings of national convention of 1830.

^cSee Proceedings of Massachusetts State convention, September 10-11, 1834.

^dSee appendix.

throughout the country the Antimasons boasted of their strength in the rural districts and acknowledged the strength of Masonry in the cities.^a

Another fact about Antimasonry is that it was essentially a New England movement. Of course there were exceptions to this in the German sectarians, the Scotch-Irish Presbyterians of Pennsylvania, and the Quakers; but in New England and New York^b and throughout the path of New England emigration the party was strongest. Most of the leaders in New York like Weed, Granger, Holley, Ward, and Maynard, were of New England extraction; the party in Pennsylvania was led by Stevens and Burrowes and others, also of New England extraction; and was called by the Democrats "a Yankee concern from beginning to end."^c Moreover the

^a Mr. Winden, in a thesis upon the influence of the Erie Canal on New York politics, University of Wisconsin, 1900, very carefully compiled statistics of the election of 1830 in New York. He shows that it was the tier of towns removed from the cosmopolitan life of the canals that voted for Granger in that year. For statements from Antimasonic sources as to their strength in the country see Weed, *Autobiography*, I, pp. 301, 304, 368; *Proceedings of Anti Masonic Convention at Cayuga*, January 1, 1830, printed in Auburn 1830; *Anti Masonic Review*, 257; *Lancaster Anti Masonic Herald*, October 1, October 22, 1830; address of the State convention of Pennsylvania; *Anti Masonic Statesman*, June 1, 1831; account of Fourth of July celebration in *Anti Masonic Statesman*, July 6, 1831; *Proceedings of the County of Norfolk, Anti Masonic Convention*, October 20, 1834; Hallett's speech in Massachusetts convention, September 10, 1834; *Albany Evening Journal*, May 23, 1831, and November 10, 1831. It is a fact, which is shown by the vote cast, that the large cities had only very few of the party. Even Pittsburg showed no activity in this direction till 1835, when other interests than Antimasonry were at stake.—Wilson's *History of Pittsburg*. In the early elections Pittsburg was distinctly against the party.—*Ibid.*, 769. See *Albany Evening Journal*, April 23, 1833, for Rhode Island returns, in which Providence and Newport are shown to be against the coalition. See returns for Lancaster County, Pa., in *Lancaster Anti Masonic Herald*, October (22)?, 1830, which shows that even in that radical county the city of Lancaster was against the movement. See returns for Dauphin County in *Pennsylvania Telegraph*, October 12, 1831, for city of Harrisburg, etc. The great cities of Boston, New York, and Philadelphia cast but few votes for the cause. Connected with the fact that it was a movement in the country is the curious fact of the constant condemnation of the lawyers, seen in so many agrarian movements. The lawyers were said to have banded against the people.—*Pennsylvania Telegraph*, September 12, 1832. Articles appeared in the papers, one of which, after discussing the feasibility of destroying lawyers' "shops," concluded with the statement, "Would it not be better to cut lawyers' throats at once and save the 'shops' for the poor women and children whose substance they are eating out?"—*Penn Yan (N. Y.) Anti Masonic Enquirer*, May, 1831, quoted in *Albany Argus*, June 3, 1831. The *Boston Advocate* constantly railed against lawyers and Freemasons. *Boston Advocate Extra*, November 4, 1834.

^b Winden's thesis proves that the districts in which the New England stock was strongest cast also the strongest vote for Granger in 1830. See also *Albany Argus*, April 10, 1827.

^c *Pennsylvania Reporter*, September 17, 1830. For similar expressions, see *Harrisburg Chronicle*, January 18, 1836, toasts at the Fourth of July Masonic celebration in *Lancaster Anti Masonic Herald*, July 10, 1829; quotations from *Pittsburg Mercury* in *Pennsylvania Reporter*, September 14, 1832.

cause received its strength and vigor largely from New England newspaper editors who established themselves in the State and took up the cause.^a

Having considered these conditions we find that the Morgan incident was but the spark that lit the fire. The fire was fanned and controlled by some of the shrewdest leaders this country has ever seen; so it is necessary for us to consider another fact powerful in its effect upon the movement; the influence of great leaders and their methods. Outside of the influence exerted by the writings of Rush, Adams, and Everett, and the known sympathy of John Marshall,^b Calhoun, Madison,^c Webster,^d Harrison, and many others of lesser light^e which did so much to convince people of the supposed danger of Masonry; they had in Weed, Seward, A. Tracy, Maynard, Granger, Whittlesey, Spencer, Holley, Ward, Fillmore, Stevens, Burrows, and Fenn, some of the brightest men of the generation; some of the most brilliant newspaper writers and politicians of the time. The greatest of all these is Thurlow Weed, the magician whose wand controlled and directed the operations of the party.^f The next greatest in the State of New York was perhaps Albert Tracy, the shrewd politician whose leadership was acknowledged by Weed himself and who did so much to unite the jarring elements.^g The next is Thaddeus Stevens, of Pennsylvania, who was to that State what Weed was to New York. His work, together with that of others of the first rank, like Seward and Maynard, we have already sufficiently described. Among the lesser lights, few did more to spread the "Blessed Spirit" than Henry Dana Ward, who acted as a sort of missionary for the cause.^h Fred

^aTheophilus Fenn, the famous editor of the Pennsylvania Telegraph, was probably such.—Pennsylvania Telegraph, July 11, 1832. Huntingdon County had an able editor in A. W. Benedict.—History of Huntingdon County, Lytle, Lancaster, 1876, page 124. The Pittsburg Gazette was also edited by a New Englander.—Lancaster Antimasonic Herald, December 17, 1830.

^bLetter to Everett, July 22, 1833.

^cLetter in proceedings of Massachusetts Convention, 1832.

^dCurtis' Life of Webster, I, pp. 508, 511.

^eAmong these were Cadwallader D. Colden, mayor of New York, whose letters exerted a powerful influence.—Anti Masonic Review, No. 6.

^fSeward, Autobiography, I, 179.

^gWeed, Autobiography, II, pp. 177, 299, 336, 421. He came near being nominated for Vice-President in 1839. Ibid., 77.

^hWe find him in the Vermont convention of August 5, 1829 (Watchman, August 11, 1829); in the Massachusetts convention of December 30, 1829 (Proceedings of Convention, printed in Boston, 1830); in a meeting at Faneuil Hall, September, 1830 (Boston Free Press,

Whittlesey was an active campaigner in New York as well as an organizer in Pennsylvania.^a Myron Holley, after helping to organize in New York, established at Hartford, Conn., a paper which helped to keep alive the cause in that vicinity.^b Among those in New England that did a great deal for the cause must be mentioned Hallett, of Rhode Island; Dr. Abner Phelps, Moses Thacher, Micah Ruggles, George Odiorne, and S. D. Greene, of Massachusetts.

The methods used by these leaders for spreading the spirit were unique. The first great factor was the newspapers—the “free presses,” as they were called. It was held by the leaders that the press was muzzled by the Masons, and that it was necessary to spread the doctrines by the establishment of Antimasonic papers.^c The New York committee bought the first materials for a newspaper, and they soon sprang up in every direction. In 1832 there were 141 of these papers in New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Indiana, Tennessee, Virginia, Alabama, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont. New York had 45 weeklies and 1 daily, while Pennsylvania had 55 weekly papers.^d These presses turned out tons of tracts, addresses, almanacs, reports of conventions, histories of the Morgan abduction and the trial, and letters by Rush and Adams.^e

The party, having few members in Congress, could not nominate a President by that means, so they resorted to the national convention, a device which gave their cause unity as well as advertisement.

Lectures by prominent leaders was another means of spreading their doctrines. A host of lesser lights also traveled about,

September 3, 1830); at the Rhode Island convention of 1830 (*Lancaster Anti Masonic Herald*, April 10, 1830); active as the editor of the *Anti Masonic Review*, and active in the national plans of the party as correspondent of McLean and Calhoun before the election of 1832 (*Adams' Diary*, VIII, 412).

^a See page 68.

^b *The Free Elector*, *Albany Evening Journal*, December 28, 1833.

^c Many of the papers, especially the Democratic papers, observing the political tendencies of the movement, either would not print the accounts of the trials and other Antimasonic matter or else laughed at the whole affair. There is no doubt, however, from the tone of many papers that they had Masonic editors.

^d *Albany Evening Journal*, February 24, 1832. See accounts of founding of these papers in *Ohio State Journal*, April 7, 1831; *Cincinnati Chronicle*, June 11, 1831; *Albany Evening Journal*, March 1, June 3, 1831; *Lancaster Antimasonic Herald*, January 30, 1829, and in the Catalogue of Antimasonic books.

^e See Catalogue of Antimasonic books.

lecturing and giving exhibitions. Chief among these were S. D. Greene, the author of the *Broken Seal*, a member of the same lodge with Morgan, and Jarvis Hanks and Avery Allen, who were both recanting Masons. That these methods were successful is shown by the quickness with which the spirit spread and became a strong factor in the national politics of the country.

Having now carefully examined the fundamental conditions of the question, as well as the facts which helped its growth, it is apparent (1) that the Antimasonic party owed much of its strength to the conditions of the times, and was not wholly the product of the abduction of Morgan; (2) that pure Antimasonry had a slight and ephemeral existence politically, and that Antimasonry as it appeared in the election of 1832 was a complex of political and social discontent guided by skilled leaders. Political Antimasonry, disregarding the basic principles of the party, nominated a man for President who did not believe in its proscriptive basis, who had been a Mason and had never formally renounced the order. Having nominated him, it combined its electoral votes in the States of New York, Pennsylvania, and Ohio, with a party whose leader not only was a Mason, but who publically declared his objections to the principles of Antimasonry, and scorned its proposals. The party in the political history of America has its chief importance in that it furnished the first solid basis for the Whig movement of the future.

APPENDIX.

RHODE ISLAND.

Early in 1829 Antimasonry appeared in Rhode Island, and a paper was established known as the Anti-masonic Rhode Islander. The next year a convention was held which sent delegates to the national convention and organized the party in the State.^a

This year a few votes were cast for the party, but it was not until 1831 that it gained any strength. In January, 1831, a memorial was drawn up and presented to the legislature asking for the repeal of the charter of the grand lodge. An interesting but fruitless investigation was the result of this act.^b In 1832 their nominee for governor, William Sprague, polled 811 votes.^c They refused to unite with the National Republicans upon the national question, and repudiated such coalitions as occurred in New York, Ohio, and Pennsylvania. "Their object," says the New York Commercial Advertiser (Clay), "was to rule or ruin."^d They polled but 875 votes for Wirt,^e and Clay carried the State by 684 majority.^f

Although the vote of the party was so insignificant, yet it was very important because it held the balance of power.^g Each party consequently tried hard to win this vote. The Democrats by uniting upon Sprague for speaker of the house elected him, and won the political gratitude of the Antimasons.^h

^a Moral Envoy [Antimasonic], Fall River, Mass., March 24, 1830. Massachusetts Yeoman, April 2, 1830.

^b Proceedings of Rhode Island convention of 1831, printed at Providence, 1831. See also Albany Evening Journal, November 11, 1831. April 20, 1833. See also A Legislative Investigation into Masonry—before a committee of the General Assembly of Rhode Island, Boston, 1832.

^c Rhode Island Manual, 100. Albany Argus, July 28, 1832.

^d New York Commercial Advertiser, quoted in Ohio State Journal, December 1, 1832.

^e Columbian Sentinel, Boston, November 29, 1832.

^f Rhode Island Manual, 177. Independent Chronicle, November 24, 1832.

^g As the Rhode Island constitution required a majority, Lemuel H. Arnold (Clay), who had been elected in 1831, held the office until 1833, as, after five trials, no majority was obtained. Rhode Island Manual, pp. 95, 96, 99, 100.

^h Independent Chronicle, November 3, 1832.

The Clay papers called it a bargain by which the Jackson members voted for Sprague in order that the Antimasons would help^a to elect Elisha R. Potter to the senate. It is certain that the Antimasons combined with the Jackson forces thereafter.

The Antimasons profited by the coalition to push their particular doctrines, and an act passed the house this year requiring the several Masonic corporations to show cause why their charters should not be forfeited. It was put over until the next session by a vote of the senate.^b However, they succeeded in having a law passed against extra-judicial oaths.^c

This spirit of combination also manifested itself in the election of senator, many Antimasons throwing their votes for Elisha R. Potter, Democratic candidate. Asher Robbins, nevertheless, was elected. This election produced one of the most interesting contests in the history of Rhode Island.^d

1833.

In this year Mr. Sprague declined the nomination and John Brown Francis was nominated by the Antimasons. The Democrats afterwards concurred in this,^e and the election resulted favorably to the coalition, Mr. Francis receiving a majority of nearly 750.^f

The Antimasons looked upon the result as a rebuke to Arnold, the National Republican candidate, "who pretended to be favorable to the views of the Antimasonic party * * * until he was elected * * * when he threw off the mask and did everything in his power to annihilate them as a party."^g They were especially bitter toward the National Republicans, who were hostile to their pet schemes and actively opposed their candidates. There is some evidence even of combinations between Masonic National Republicans and Jackson

^a Independent Chronicle, November 7, 1832.

^b Independent Chronicle, January 26, 1833.

^c Albany Evening Journal, January 29, 1833. Pennsylvania Telegraph, February 20, 1833.

^d Independent Chronicle, January 23, 1833. Rhode Island Manual, 139.

^e Hartford Anti-masonic Intelligencer, quoted in Danville, Vt., North Star, May 13, 1833. This account says that Francis had been a delegate to the convention which nominated Henry Clay.

^f Albany Evening Journal, April 20, 1833. Albany Argus, April 20, 1833. Rhode Island Manual, 101.

^g Boston Daily Advocate, quoted in Albany Evening Journal, April 23, 1833. The cities of Providence and Newport were National Republican.

supporters to oust Antimasonic National Republicans, notably in the case of Dutee J. Pearce, who turned to the Antimasonic-Jackson coalition because of this action and was elected to Congress.^a

In the October session of this year the coalition succeeded in having the "perpetuation act," as it was called, repealed. This act provided that in cases of no quorum because of some candidates having no majority the old organization held through. The act had helped the election of Robbins for senator in the previous year, and now his election was declared null and void and the office declared vacant. In the grand committee Elisha Potter, the coalition candidate, was declared elected by a unanimous vote, the opposition refusing to vote.^b

An act was passed in this session by which the charters of certain Masonic lodges were repealed and those which continued to exist were put under the most careful inspection and surveillance.^c

1834.

Mr. Francis was again elected, although his majority was but 156.^d However, the Whigs secured a majority in the house. This majority did not dare to offend the Antimasons, and Sprague was again elected speaker.^e The senate was still Democratic. The Whig majority succeeded in passing resolutions favorable to the Bank.^f

^a Adams's Diary, IX, 46. Vermont State Journal, December 9, 1833. Niles's Register, XLIV, 226.

^b In Congress the election was contested and Robbins again given his seat. Senate Journal, first session Twenty-third Congress, 1833-34, p. 285. See Rhode Island Manual, 139. The "perpetuation act" came up several times after this. Niles's Register, XLVI, pp. 173, 188.

^c Independent Chronicle, February 5, 1834. Proceedings of Massachusetts convention of 1834. It was provided that every lodge which may continue to exist is required to make returns in writing "yearly and every year to the Secretary of State of the number and names of its members and officers, the number and names of the persons who have been admitted within the year last preceding the date of said returns, with mode and manner of their admission and the form of promise or obligation which such new members have taken on their admission, the place and times of the meetings of such society holden within the last year together with a schedule or inventory of all funds and property, real or personal." The grand lodge gave up its charter.

^d Independent Chronicle, April 19, 16, 23, Rhode Island Manual, 101. Vermont State Journal, May 12, 1834.

^e Independent Chronicle, April 19, 16, 23, August 30, November 1, 1834. Niles's Register, XLVII, pp. 7, 150.

^f Independent Chronicle, November 1, 1834. Niles's Register, XLVII, 150. The vote was 46 to 23.

MICHIGAN.

It is but natural that the stream of New England emigration reaching westward should bring the seeds of Antimasonry with it. According to their own accounts it appeared in Michigan territory as early as 1828, and the first convention was held in February, 1829. The county of Washtenaw, especially, took up the cause, while Monroe, Oakland, Wayne, Lenawee, Macomb, and St. Claire had some Antimasons among their inhabitants.^a

A convention was held in June, 1829, which nominated John Biddle as Territorial Delegate to Congress.^b He was elected by a majority of 800.^c These triumphs were short lived, for in the succeeding elections they were beaten^d and the party died out.

In many other States Antimasonry as a political institution had an ephemeral existence. In Indiana a convention was held as early as March, 1830,^e and in 1832 it formed a factor in the elections in Decatur, Franklin, Fayette, Hamilton, Jennings, Knox, Marion, Ripley, Switzerland, Union, and Wayne counties.^f

In Maine they nominated candidates for governor in 1832, 1833, and 1834.^g In New Hampshire, across the river from the Antimasonic district in Vermont, a convention was held June 1, 1831.^h In 1832 the leaders in this State did not dare to put forward a ticket, as it would surely throw the election into the hands of Jackson.ⁱ

In the South movements more or less political took place in Alabama (Marengo County),^j in Maryland, especially in the Boonsboro district,^k and in North Carolina in Mecklenburg County.^l

^a Seward's report, September 11, 1833. See also Lancaster Anti Masonic Herald, January (28) ?, 1829.

^b Lancaster Anti Masonic Herald, June 19, 1829.

^c Ibid., August 14, 1829.

^d Albany Argus, September 17, 1832; September 17, 1833.

^e Lancaster Anti Masonic Herald, April 30, 1830. Moral Envoy, Fall River, Mass., May 5, 1830.

^f Albany Argus, November 21, 1832.

^g Albany Evening Journal, July 18, 1832. Maine Register for 1901-2, 119.

^h North Star, Danville, June 7, 1831.

ⁱ Letter of William Plumer, October 26, 1832. Independent Chronicle, Boston, November 3, 1832.

^j Lancaster Antimasonic Herald, July 31, 1829.

^k Schultz's History of Freemasonry in Maryland.

^l Vermont North Star, July 3, 1832.

APPENDIX TO CHAPTERS ON PENNSYLVANIA.

STEVEN'S RESOLUTIONS UPON EXTRA JUDICIAL OATHS, DECEMBER 10, 1834.

Whereas it is alleged and believed by a large and respectable portion of the Commonwealth; that the Masonic institution is injurious to the rights, and dangerous to the liberty of the people; that it imposes on its members oaths and obligations unauthorized, by and inconsistent with the laws of the country; that it binds its members to give a preference to each other in all things over the rest of their fellow-citizens; to "apprise each other of all danger," whether such danger arise from the legal prosecution of their own crimes and misdemeanors or otherwise; to conceal the secrets and crimes of each other, not excepting even murder or treason; to espouse each other's cause, and if possible extricate them from all difficulties, whether they be right or wrong; to avenge even to death, the violation of any Masonic oath, and the revelation of any of their secrets; that the rules and ceremonies of the lodges are of a degrading, immoral, and impious character; that the candidates are stripped nearly naked, and led to the imposition of their awful oaths, hoodwinked, and with a rope or cord around their necks, called a "cable tow;" that in the Royal Arch degree, they affect to enact the sublime and sacred scene of God appearing to Moses in the burning bush of Mount Horeb.

[Here was a long statement accusing them of intemperance, drinking wine out of a skull, etc.]

That it is an antirepublican and an insidious and dangerous enemy to our democratic form of government; that it creates and sustains secret orders of nobility, in violation of the spirit of the Constitution; that it is a regularly organized kingdom within the limits of the Republic, assuming and secretly exercising all the prerogatives and powers of an independent kingdom; it has its knights, its grand commanders, its kings, its high priests, and its great grand high priests; it has established a central and controlling government, extending its branches over all the civilized world, which they denominate the "holy dmpire;" the seat of this government in America, is in what, in Masonic language, is called the "Valley of New York." This branch of Masonic power is called "The Grand Supreme Council of the Most Puissant Sovereign Grand Inspectors General of the Thirty-third Degree at the Grand Orient of New York;" it sends ambassadors to and receives them from all the Masonic kingdoms of the earth; it forms secret treaties and alliances offensive and defensive with those powers, continues its correspondence and relation with them, although our own Government may at the same time, be at open war with the governments in which such Masonic kingdoms are located; it secures an undue, because unmerited advantage to members of the fraternity over the honest and industrious uninitiated farmer, mechanic, and laborer, in all the ordinary business transactions of life; it prefers a corrupt "brother" to honest citizens, in appointments to office; it prevents the wholesome enactment and due administration of laws; it enters and corrupts our legislative halls, our executive affairs, our courts of justice; the trial by jury, instead of being the palladium of our rights, it converts into an engine of favor-

itism and Masonic fraud; its whole tendency is to cherish a hatred of democracy, and a love of aristocratic and regal forms and power.

The truth of all these things has been repeatedly proclaimed to the world under the signatures of thousands of honest men by authentic documents procured from the lodges themselves, and by the testimony under oath, of numerous adhering Masons of good character; and it has never yet been contradicted by the sworn testimony of a single witness: Therefore, *Resolved*, That the committee on the judiciary system be instructed to bring in a bill effectually to suppress and prohibit the administration and reception of Masonic, Odd Fellows, and all other secret, extrajudicial oaths, obligations, and promises in the nature of oaths. (Pennsylvania Reporter, December 12, 1834. Steven's Resolutions of December 10.)



APPENDIX TO NEW YORK.

The following is an amusing and instructive political writing, which is illustrative of the struggle in New York. It was printed in the Albany Evening Journal, April 29, 1831, and is copied from the Schoharie Free Press. It is "most respectfully dedicated to the 'distinguished editor of the State paper.'" [Croswell.]

THE PARTY.


This is the house that Mat^a built.

The people's money. This is the Malt that lay in the house that Mat built.

Wright, Croswell, Flagg, Bouck, the modest adjutant-general, Fat Salaries, Direct Taxation & Co. These are the  rats  that eat the malt that lay in the house that Mat built.

Free Presses.—These are the cats that are killing the rats that eat the malt that lay in the house that Mat built.

Officeholders and Office hunters.—These are the dogs that bark at the cats that are killing the rats that eat the malt that lay in the house that Mat built.

Enos T. T.^b  This is the man all tattered and torn, that kissed the handmaid all forlorn, that bribed the "Small light" with her "wine and her corn"—that fondles the lap-dogs that growl at the cats that are killing the rats that eat the malt that lay in the house that Mat built.

Antimasonry.—This is the Lion with eyes flashing scorn, that shakes "little Enos" all tattered and torn, that kissed the maid with the crippled horn (alas for the ribbons, no more to be worn), that fondles the lap-dogs that whine at the cats that are killing the rats that eat the malt that lay in the house that Mat built.

Pope Martin.—This is the priest of his prospects all shorn, that married the man all tattered and torn, that kissed the handmaid all forlorn, that

^a "Mat" or "Martin" is Martin Van Buren.

^b "Enos" Throop.

shrinks from the Lion's glance of scorn, that tosses the lap-dogs that yelp at the cats that are killing the rats that eat the malt that lay in the house that Mat built.

Jack Masons.—These are the asses that bray night and morn, that serve the "Magician" all shivering and shorn, that married the man, scurvy, tattered, and torn, that ogled the handmaid all naked and lorn, that cursed the day the "Blessed Spirit" was born ~~to~~ that is crushing the puppies that snarl at the cats that are killing the rats that eat the malt that lay in the house that Mat built.

BIBLIOGRAPHY.

There are a very few accounts which give us any inkling of the political basis of the Antimasonic party. In nearly all the accounts of the time we find mention of the excitement produced by the disappearance of William Morgan and discussions about the aims and methods of the Masonic fraternity, but we find little of value to the student of political Antimasonry. The principal sources may be divided as follows:

A. Lives and letters of contemporaries. Of these the most valuable are:

1. Autobiography of Thurlow Weed.

Weed gives a good history of the political conditions of the times, but his work is colored by his desire to prove his own consistency. He is especially valuable for the history of the party in New York and national affairs.

2. Autobiography of William H. Seward.

The same criticism which applies to Weed's Autobiography applies to this work.

3. Diary of John Quincy Adams.

A valuable source not only for Adams's position, but also for an insight into the politics of Massachusetts.

4. Kennedy's William Wirt.

Valuable for Wirt's letters upon the subject.

5. Bancroft's Life of Seward.

It gives a sane and consistent account of Seward's connection with the party in New York.

6. Curtis's Webster.

Valuable only for Webster's letters showing his connection with the party.

7. McCall's Life of Thaddeus Stevens.

Too short to be of great use.

8. Clay's Correspondence.

Useful for incidental references showing his ideas upon Masonry and negotiations with Antimasons.

9. Calhoun's Correspondence.

Contains a few references in regard to his attitude toward Antimasonry.

10. Letters of Jackson, Van Buren, and others.

Very few and unimportant references.

B. General histories.

Of no use with the exception of a short account of the beginnings of Antimasonry in New York in McMaster's History of the People of the United States. Vol. 5.

C. Local histories.**1. Wilson's History of Pittsburg.**

A work of great value compiled from original sources.

2. Other local histories of counties and cities.

Of value only in the accounts which they give of individuals.

D. State histories.**1. Egle's History of Pennsylvania.**

Valuable only for the short account it gives of Pennsylvania history during the period studied.

2. Thompson's History of Vermont.

Useful only for outline of political events.

3. Other State histories.

They sometimes give us brief outlines of political activities in the State, otherwise unreliable and unimportant.

E. Political histories.**1. Hammond's Political History of New York.**

This is the best book upon Antimasonry in New York. It has two contemporaneous accounts. Hammond's account is that of a fair-minded National Republican, while Whittlesey's account is colored by his Antimasonic beliefs.

2. Other political histories.

Too general and superficial in character. They do not touch the basis of the movement. They do not go into the State questions at all.

F. State records.**1. Laws and statutes.**

Very useful when other material is not accessible. The official State papers of the times publish the same material with comment and debate, and therefore are more useful to the student of a political party.

2. State legislative journals.

Often useful for records of votes upon questions, but as the State papers also give this material, and with it the politics of each man, they are much more useful. Journals, however, are of great use where the other material is missing. The records of the governor and council of Vermont are of especial use in this connection.

3. Governors' messages.

Often useful, as they give us a condensed account of the affairs of the State and the policy of individuals. These messages, however, are printed in the official State papers, and have been used in connection with those sources.

4. Financial affairs, canal reports, etc.

Valuable material for the study of State questions. They are generally printed in the official papers, and the newspapers of the day, and have been used in that connection.

5. State manuals and registers.

Of use in giving the names of officers, terms of office, votes, etc. Williams's New York Register is of especial use in this connection.

G. Congressional debates, proceedings, etc.

The Antimasonic party had no Congressional career, and was but once or twice referred to in Congress. Votes upon national questions are in some cases of use.

H. Masonic histories and proceedings of lodges.

They have very little to say about the matter, and whatever is said bears merely upon the abduction of Morgan or is in defense of the order. However, Harvey's Lodge, No. 61, Free and Accepted Masons, Wilkesbarre, Pa., 1897, has a very valuable account of political Antimasonry in Pennsylvania.

I. Miscellaneous.

1. Catalogue of Books on the Masonic Institution in Public Libraries of Twenty-eight States of the Union * * * by a Member of The Suffolk Committee of 1829. Boston, 1852.

This is a very valuable compilation, as it gives not only the books and pamphlets, but also the principal Antimasonic arguments and the dates of the different conventions.

J. Pamphlets, broadsides, etc. In giving a list of pamphlets, it is necessary to distinguish between the pamphlets of political significance and those which deal merely with the social side of the question. The following selected pamphlets are useful for the light which they throw upon politics:

1. Extracts from the Proceedings of the First Antimasonic Convention. Boston, 1833. (In Wis. Hist. Library.)
Of great importance for the study of national organization of Antimasonry.
2. The Proceedings of the Second United States Antimasonic Convention. Boston, 1832. (In Wis. Hist. Library.)
Valuable for the study of the national aspects of the question.
3. Vindication of General Washington from the Stigma of Adherence to Secret Societies by Joseph Ritner. * * * Together with a letter to Daniel Webster and his reply. Boston, 1841. (In Wis. Hist. Library.)
Especially valuable for the negotiations with Webster.
4. Proceedings of an Antimasonic Republican Convention of the County of Cayuga. Held at Auburn, January 1, 1830. Auburn, 1830. (In Wis. Hist. Library.)
Pamphlets such as these give us an insight into the political basis of the party in rural districts.
5. Proceedings of the Rhode Island Antimasonic State Convention, September 14, 1831. Providence, 1831. (In Wis. Hist. Library.)
Important for the study of the history of the party in Rhode Island.
6. A Legislative investigation into Masonry * * * before a committee of the General Assembly of Rhode Island, by B. F. Hallett, George Turner, and others. Boston, 1832. (In Wis. Hist. Library.)
A curious pamphlet, showing the legislative aims of the more radical Antimasons.

7. An Official Report of William Sprague, jr.; one of the Committee of the House of Representatives of Rhode Island, upon the Subject of Masonry. Providence, 1832. (In Pa. State Hist. Society Library.)
Shows the result of the coalition between the Democrats and Antimasons in Rhode Island.
8. Doings of the Plymouth County Antimasonic Convention held at Abington, March 10, 1828. (Broadside in Wis. Hist. Library.)
One of the earliest pamphlets issued by the party in Massachusetts. It shows us the early efforts for organization in rural districts.
9. An Abstract of the Proceedings of the Antimasonic State Convention of Massachusetts. Boston, December 30 and 31, 1829, and January 1, 1830. Boston, 1830. (In Wis. Hist. Library.)
A rare and useful pamphlet of great political significance.
10. A Brief Report of the Debates in the Antimasonic State Convention of the Commonwealth of Massachusetts. Held in Boston, December 30, 31, 1829, and January 1, 1830. (In Wis. Hist. Library.)
It has but slight political value, but it gives us a good idea of what the grievances of the members were, and also their attitude toward the masons of the State.
11. Address to the People. From the Antimasonic Convention * * * Held in Faneuil Hall, January 1, 1830. (Broadside in Wis. Hist. Library.)
Practically a platform of the party.
12. An Oration Delivered at Faneuil Hall, Boston, January 11, 1831, by Timothy Fuller. Boston, 1831. (In Wis. Hist. Library.)
Mixed up with the tirade of denunciation is a good deal of matter showing the attitude of the party on the questions of the day.
13. An Abstract of the Proceedings of the State Convention of Massachusetts, held in Faneuil Hall, Boston, May 19, 20, 1831. (In Wis. Hist. Library.)
A useful source for State politics.
14. Antimasonic Republican Convention of Massachusetts, held at Worcester, September 5, 6, 1832. Boston, 1832. (In Wis. Hist. Library.)
Valuable especially for the attitude of the Antimasons toward the National Republicans upon the question of a National candidate.
15. Proceedings of the Massachusetts Antimasonic Convention, September 11, 12, 13, 1833. Boston, 1833. (In New York State Library, Albany.)
16. Antimasonic Republican Convention of Massachusetts. Held at Boston, September 10, 11, 1834. Boston, 1834. (In Wis. Hist. Library.)
17. An Address to the People of Massachusetts. In relation to the Political Influence of Freemasonry on some of the * * * proceedings of the Legislature at the last session, for the year 1831. Boston, 1833. (In Wis. Hist. Library.)
Very important, as it shows the whole political struggle of the National Republicans and the Antimasons in the Massachusetts legislature.
18. An Investigation into Freemasonry. By a joint Committee of the Legislature of Massachusetts * * * March, 1834. Boston, 1834. (In Wis. Hist. Library.)
The results of the investigation show us little, but the pamphlet reveals the purposes and methods of radical Antimasons.

- Y 19. Proceedings of the Sixth Antimasonic State Convention of Massachusetts, held in Boston October 1, 1835. (Broadside with the Boston Daily Advocate Extra. In Wis. Hist. Library.)

Reveals the growing dissolution of the party in Massachusetts.

- X 20. Resolutions adopted by the Antimasonic members of the legislature of Massachusetts * * * opposed to the nomination of Martin Van Buren. * * * March 9, 1836. Boston, 1836. (In Wis. Hist. Library.)

It is important, as it shows the attitude of the remnant of the Antimasons of Massachusetts.

- X 21. The Character of General Jackson and Mr. Van Buren, by Alexander H. Everett, in 1832, also Notions of Antimasonry, by the same author in 1833. (In Wis. Hist. Library.)

A political pamphlet directed against the aspirations of Alexander Everett.

22. Proceedings of the New York State Convention at Albany, 1829. (In New York State Library, Albany.)

Important for a study of the political organization of 1829 in New York.

23. Proceedings of the New York State Convention held in Utica, 1830. (In New York State Library, Albany.)

Reveals the growing power of Weed and his followers.

24. Light on Masonry. David Bernard, Utica, 1829. (In Wis. Hist. Library.)

Contains some political matter such as the Proceedings of the Le Roy Convention of New York Legislature of 1828.

25. Narrative of the Anti-Masonick Excitement in the Western Part of the State during the years 1826, 1827, 1828, and part of 1829. Henry Brown, Batavia, N. Y., 1829. (In Wis. Hist. Library.)

A Masonic account, dealing but slightly with political matters.

26. Proceedings of a Convention of Delegates opposed to Free Masonry, Le Roy, Genesee County, N. Y., March 6, 1828. (In New York State Library, Albany.)

An important pamphlet, showing the genesis of Antimasonry in New York.

K. Books and pamphlets showing the social side of Antimasonry. A great many pamphlets, almanacs, broadsides, etc., were issued by each side upon the Morgan affair and the Masonic Fraternity. The Antimasonic pamphlets are quite fully given in the catalogue of Antimasonic books. The following pamphlets are especially useful.

1. The True History * * * of the Abduction of William Morgan. P. C. Huntington. New York, 1886. (In Wis. Hist. Library.)

2. The Masonic Martyr. The Biography of Eli Bruce. Rob. Morris, Louisville, Ky., 1861. (In Wis. Hist. Library.)

A Masonic defense of one of the individuals on trial for the abduction of William Morgan.

3. **The Broker Seal, or Personal Reminiscences of the Morgan Abduction and Murder**, by Samuel D. Greene. Boston, 1870. (In Wis. Hist. Library.)
Greene claimed to be a member of the same lodge with Morgan, and was afterwards editor of the Boston Advocate.
4. **Letters on the Masonic Institution**, by John Quincy Adams. Boston, 1847. (In Wis. Hist. Library.)
Important for the attitude of Adams.
5. **Illustrations of Masonry**. William Morgan. New York, 1827. (In Wis. Hist. Library.)
6. **Letters on Masonry and Antimasonry**. Addressed to Hon. John Quincy Adams by William L. Stone. New York, 1832. (In Wis. Hist. Library.)
7. **Letters of Hon. Cadwallader D. Colden upon the Secret Order of Free Masons**. New York, 1829. (In Wis. Hist. Library.)
Mr. Colden was mayor of the city of New York.
8. **Another Masonic Murder**. By Samuel G. Anderton. Boston, 1830. (In Wis. Hist. Library.)
9. **Letters addressed to William L. Stone, esq., of New York, * * *** upon the subject of Masonry and Antimasonry, by John Quincy Adams, to which is added a Portrait of Masonry, by John C. Spencer. Providence, 1833. (In Wis. Hist. Library.)
10. **History of Masonic Persecutions**. Rev. George Olive, D. D. 1866. (In Wis. Hist. Library.)
11. **Nathaniel Very's Renunciation of Free Masonry**. Worcester, 1830. (In Wis. Hist. Library.)
12. **Renunciation of Free Masonry**. Hiram B. Hopkins, esq. Boston, 1830. (In Wis. Hist. Library.)
13. **Rev. Joseph Christmas's Renunciation**. 1830. (In Wis. Hist. Library.)
14. **Renunciation of Free Masonry**. By Hon. Pliny Merrick, of Worcester, Mass. Worcester, 1871. (In Wis. Hist. Library.)
Merrick's renunciation took place in 1832.
15. **Constitution of the Young Men's Antimasonic Association for the Diffusion of the Truth**. Boston, 1832. (In Wis. Hist. Library.)
16. **A Portrait of Masonry and Antimasonry**, as drawn by Richard Rush, John Quincy Adams, William Wirt, etc. Providence, 1832. (In Wis. Hist. Library.)
17. **Masonry Proved to Be a Work of Darkness, Repugnant to the Christian Religion and Inimical to a Republican Government**. By Lebbeus Armstrong. Hartford, 1833. (In Wis. Hist. Library.)
Useful as an example of religious opposition to Masonry.
18. **Free Masonry, in Reply to Anti-Masonry; in the American Quarterly Review**, March, 1830. Boston, 1830. (In Wis. Hist. Library.)
19. **A Brief Defense of John the Baptist against Foul Slander and Wicked Libel of Free Masons**. John Gest, 1834. (In Wis. Hist. Library.)
20. **Reply to the Declaration of 1,200 Masons**. Boston, 1832. (In Wis. Hist. Library.)

21. Letters on the Entered Apprentice's Oath, by John Quincy Adams. Boston, 1833. (In Wis. Hist. Library.)
22. A Collection of Letters on Freemasonry, Chronologically Arranged. Boston, 1849. (In Wis. Hist. Library.)
23. A Letter on Freemasonry, by the Hon. Richard Rush, to the Committee of the Citizens of York County, Pennsylvania. Boston, 1831. (In Wis. Hist. Library.)

This latter did much to break up the National Republican Antimasonic coalition in Pennsylvania in 1831.

24. Letters of Rush, Adams, Wirt. Boston, 1831. (In Wis. Hist. Library.)
25. An Address Delivered at Weymouth, South Parish, June 21, 1830. Moses Thacher. Boston, 1830. (In Wis. Hist. Library.)
By a leading Antimasonic Congregational minister.

26. A Freeman on Freemasonry, 1831(?). (In Wis. Hist. Library.)
27. An Address to the Freemen of Massachusetts, by a Freeman. Worcester, 1832. (In Wis. Hist. Library.)
28. A Voice from the Green Mountains on the Subject of Masonry and Antimasonry, by Samuel Elliott. Brattleboro, 1830. (In Wis. Hist. Library.)
29. The Opinions of the late Chief Justice of the United States, John Marshall, Concerning Freemasonry. (In Wis. Hist. Library.)
30. Letters of John Quincy Adams to Edward Livingston. Boston, 1833. (In Wis. Hist. Library.)
31. A Letter on Speculative Masonry, by Charles Pinckney Sumner. Boston, 1829. (In Wis. Hist. Library.)
32. Ancient Freemasonry Contrasted with Illuminism, or Modern Masonry, by Tubal Cain. Utica, 1831. (In Wis. Hist. Library.)
33. Address Delivered Before the Grand Lodge of Massachusetts, * * * by Joseph Jenkins, 1829. Boston, 1830. (In Wis. Hist. Library.)
34. An Address Delivered before the Members of the Antimasonic State Convention, Augusta, Me., July 4, 1832. Moses Thacher. (Pa. State Hist. Society.)
35. Solomon Southwick's Speech. New York State convention, 1829. (In New York State Library, Albany.)
36. Reply of the Genesee Consociation to Joseph Emerton. 1830. (In New York State Library, Albany.)

Very important for the religious standpoint.

L. Newspapers. The newspapers furnish the best means by which we can get at the political basis of the Antimasonic party. To give the complete list of the newspapers would result in a volume by itself. I have sought to give a list of such as are of greatest use. Many of the newspapers, and especially the official organs, publish the laws and the proceedings of the legislatures, together with the most important debates. An official paper, such as the Albany Argus or the Harrisburg Reporter, furnished hardly anything but political

news, while some of the great city dailies are of but little use in this way. In using newspapers, I have tried to compare the statements, where possible, of papers representing different factions. I regard this as the only historical method. I have included in this list also papers which help us to study the religious and social basis of the movement.

1. Connecticut newspapers:

Connecticut Courant, Hartford.

1828, 1830-1834. In New York Public Library.

Jan., 1828-Dec. 16, 1828. In Library of Congress.

Hartford Weekly Times.

Mar. 2, 1829-Dec. 26, 1831. Jan. 7, 1834-May 6, 1834. Semi-weekly edition, May 10, 1833-Dec. 29, 1838. In Library of Congress.

Columbian Weekly Register. New Haven.

Jan. 2, 1830-Dec. 29, 1832. Jan. 4, 1834-Dec. 30, 1837. In Library of Congress.

2. Maine.

Eastern Argus. Portland.

Mar. 31, 1829-Sept. 18, 1832. Jan. 6, 1833-Dec. 20, 1835. In Library of Congress.

3. Massachusetts.

Boston Daily Advertiser.

Jan. 3, 1832-1837. In Library of Congress. 1827-1836. In American Antiquarian Library, Worcester, Boston Public Library, and Harvard College Library.

Boston Free Press.

Jan. 20, 1831-Mar. 19, 1834. In Library of Congress.

An Antimasonic paper and one of the most important sources not only for Massachusetts but the movement throughout the country.

Boston Recorder.

1829-1837. In Library of Congress, Boston Public Library, and Harvard College Library.

1831-1832. In Wis. Hist. Library.

A Congregational paper and valuable for occasional references as to the attitude of the sect toward the politics of the State.

Daily Evening Transcript. Boston.

1831-1836. In American Antiquarian Library, Worcester.

Oct.-Dec., 1831. Apr.-Sept., 1833. Jan.-Sept., 1834. In Wis. Hist. Library.

Independent Chronicle. Boston.

1829-1837. In Boston Public Library and Harvard College Library.

1829-1832. 1833-1836. In Wis. Hist. Library.

A National Republican and Whig paper opposed to the Antimasons. It published the laws and the proceedings of the legislature. Chief source from the Whig side.

3. Massachusetts—Continued.

Columbian Sentinel. Boston.

1828-1837. In Albany State Library, Boston Public Library, and Harvard College Library.

1829-1832. In Wis. Hist. Library.

A very important National Republican paper opposed to Antimasonry.

Christian Register. Boston.

1828-1830. 1833-1839. In Wis. Hist. Library.

A Unitarian paper important for occasional references as to the attitude of Unitarians upon Antimasonry.

Boston Advocate.

1829-1835. A few scattered copies in the Wis. Hist. Library.

An Antimasonic semireligious paper, edited by S. D. Greene. It had Democratic leanings.

New England Galaxy.

1829-Dec. 20, 1834. In Library of Congress.

1831-1833. In Wis. Hist. Library.

1829-1835. In American Antiquarian Library, Worcester, and in the Boston Public Library.

A literary magazine of Masonic affiliations. It is not a rabid or distinctly partisan paper. Useful for occasional references.

Berkshire Advocate. North Adams.

Nov. 20, 1833-June, 1834. In Library of Congress.

Worcester Paladium.

1834-1837. In Library of Congress.

Worcester Spy.

1829-1836. In American Antiquarian Library, Worcester, and the Boston Public Library.

1829-1830. 1831-1837. In Library of Congress.

Massachusetts Yeoman.

1828-1837. In American Antiquarian Library.

Aug. 30, 1828-Aug. 8, 1829. In Library of Congress.

Valuable for the political views of western Massachusetts.

Moral Envoy. Fall River.

1830. In Wis. Hist. Library.

A rabid Antimasonic paper. Very useful from a political as well as a social standpoint.

4. Michigan.

Detroit Courier.

Feb. 17, 1831-Dec. 22, 1831. In Library of Congress.

Detroit Free Press.

Jan. 15, 1832-1835. In Library of Congress; also in Detroit Public Library.

5. New Hampshire.

New Hampshire Gazette. Portsmouth.

Jan. 26 1829-Dec. 23, 1830. In Library of Congress.

New Hampshire Patriot and State Gazette.

Aug. 17, 1829-1835. In Library of Congress.

6. New Jersey.

West Jersey Observer, Bridgeton.

May 14, 1829–Nov. 21, 1829.

Jan. 9, 1830–Dec. 25, 1830.

Jan. 1832–Dec. 28, 1833. In Library of Congress.

Trenton Emporium.

Jan. 1, 1830–1835. In Library of Congress.

Jerseyman, Morristown.

Jan. 7, 1832–Dec. 12, 1832; Jan. 2, 1833–Dec. 17, 1834. In Library of Congress.

Newark Daily Advertiser.

Mar. 28, 1832–Aug. 31, 1832; Jan. 2, 1833–Jan. 30, 1835. In Library of Congress.

7. New York.

Albany Argus.

1827–1834. In New York State Library, Albany.

Jan. 1, 1828–Dec., 1830; Jan. 1, 1832–1834. In Library of Congress.

A Democratic paper, edited by Croswell, one of the Regency. This paper is one of the most important sources, as it published the laws and legislative proceedings and often the speeches of the members.

Albany Evening Journal.

1830–1834. In the office of the Albany Evening Journal, Albany, N. Y.

Thurlow Weed's paper. It was the greatest Antimasonic paper in the country.

Albany Daily Advertiser.

1827–1834. In the office of the Albany Evening Journal.

Jan. 1–Dec. 31, 1833. In Library of Congress. The New York State Library also has a few numbers.

A national Republican paper, strongly opposed to Antimasonry.

National Observer. Albany.

- 1827–1831. New York State Library, Albany.

Edited by Solomon Southwick. A very radical Antimasonic sheet, with Democratic leanings.

Albany Microscope.

1832–1834. In New York State Library.

Christian Intelligencer.

1830–1834. In New York State Library.

Albany Masonic Record.

1828–1834. In American Antiquarian Library, Worcester.

New York American, New York City.

1827–1834. In American Antiquarian Library, Worcester.

1831–1833. In New York State Library.

1827. Boston Public Library.

1827–1828. In Boston Athenæum.

May 14, 1831–May 17, 1834. In Library of Congress.

New York Commercial Advertiser. New York City.

1827–1829. 1831–1833. In New York State Library, Albany.

7. New York—Continued.

New York Courier and Enquirer.

May 26–Dec. 18, 1830; Jan. 1, 1833–Dec. 30, 1833. In Library of Congress.

1829–1830. Pennsylvania State Library, Harrisburg.

New York Evening Post, New York City.

1827–1834. Pennsylvania Historical Library and New York Public Library.

1830. In New York State Library.

Rochester Observer.

1827. In New York State Library.

Rochester Republican.

Jan. 1–Feb. 26, 1828. Jan. 3, 1832–Aug. 20, 1833. In Library of Congress.

New York Statesman. New York City.

1827–1834. Harvard College Library.

1827–1828. New York State Library.

New York Mirror. New York City.

1827–1834. Harvard College Library and American Antiquarian Library, Worcester.

Freeman's Journal. Cooperstown, N. Y.

1827–1829. 1830–1832. In Wisconsin Historical Library.

Masonic Intelligencer. Batavia, N. Y.

Feb. 21, 1827. Wisconsin Historical Library.

Le Roy Gazette.

1827. In Wisconsin Historical Library.

Very important for the early movements, as it was an Antimasonic paper.

Anti-Masonic Review and Magazine. New York.

1828, 13 numbers. In Wisconsin Historical Library.

This magazine was edited by Henry Dana Ward. It incidentally keeps up with the political movements and is therefore very valuable.

Craftsman. Rochester.

A few scattered numbers in New York State Library, Albany.

The organ of the Western Masons.

Anti-Masonic Enquirer. Rochester.

1828–1830. A few scattered numbers in New York State Library.

This paper was edited by Thurlow Weed and is of great value for a study of early Antimasonic movements in western New York.

New York Miscellaneous Papers.

About 30 volumes in the State Library in Albany.

They contain occasionally a valuable local paper or fragment.

8. Ohio.

Cincinnati Advertiser.

June 6, 1829–Dec. 25, 1830. Jan. 5, 1833–Dec. 26, 1838. In Library of Congress.

Cincinnati Daily Gazette.

Jan. 4, 1828–Dec. 31, 1829. Jan. 7, 1833–Dec. 31, 1835. In Library of Congress.

8. Ohio—Continued.

Ohio State Bulletin. Columbus.

1829-1835. In State Library, Columbus.

Important for laws, state reports, and legislative proceedings.

Columbus Sentinel.

1832-1834. In State Library, Columbus. Western Reserve Historical Library, Cleveland.

A leading National Republican paper.

Hamilton Intelligencer.

1829-1835. Ohio State Library, Columbus.

A leading National Republican paper.

Cincinnati Chronicle.

1828-1835. State Library, Columbus.

Cleveland Weekly Herald.

1829-1835. Western Reserve Historical Library, Cleveland.

National Historian. St. Clairsville.

1832. In State Library, Columbus.

Cincinnati Christian Journal.

Jan., 1830-July, 1831. In Wis. Hist. Library.

A Presbyterian paper, important for occasional references to Antimasonry.

Cincinnati Sentinel.

Nov. 21, 1829-Sept. 18, 1830. Oct. 30, 1830-Oct. 15, 1831. In Library of Congress.

Ohio Monitor. Columbus.

1830-1836. In American Antiquarian Library, Worcester.

Jan. 3, 1831-Dec. 22, 1831. Jan. 3, 1833-Dec. 26, 1836. In Library of Congress.

Ohio State Journal. Columbus.

1832-1835. In State Library, Columbus. Also copies in Cleveland Public Library and Chicago Historical Library.

A National Republican paper which gives laws, discussions, etc. Devoted largely to politics.

9. Pennsylvania.

Statesman and Antimasonic Republican. Harrisburg.

Apr., 1831-Dec., 1831. Pa. State Library, Harrisburg.

A very important source for the study of political Antimasonry in Pennsylvania.

Harrisburg Chronicle.

Feb., 1828-June, 1840. Pa. State Library, Harrisburg.

A National Republican and Whig paper. After 1836 Nicholas Biddle was interested in this paper. It is important especially for the speeches, debates, etc., in the Pennsylvania State senate.

Franklin Repository. Chambersburg.

1830-1840. Pa. State Library, Harrisburg.

A bright Whig paper full of political news.

Pennsylvania Intelligencer. Harrisburg.

Apr., 1831-1840. In Pa. State Library, Harrisburg.

A Whig paper printing laws, debates, and full of political matter.

Pennsylvania Reporter. Harrisburg.

Dec., 1829-Jan., 1836. Jan., 1837-1840. In Pa. State Library, Harrisburg.

Jan. 4, 1828-Dec. 26, 1828. Jan. 4, 1831-Dec. 30, 1836. Jan. 15, 1836-Aug. 4, 1836. Feb. 3, 1837-Nov. 20, 1840. In Library of Congress.

A most important source in Pennsylvania. It was the State paper and the chief Democratic organ. It printed laws, debates, and political matter.

Antimasonic Herald. New Holland, Lancaster County.

Jan., 1829-Aug., 1832. In Pa. State Library, Harrisburg.

Edited by Theophilus Fenn. This was a pioneer paper in the cause and is especially valuable for the accounts it gives of the Antimasonic movements throughout the country.

Harrisburg Telegraph.

1832-1837. In Pa. State Library, Harrisburg.

The leading Antimasonic paper in the State. Edited by Theophilus Fenn. It was the official State paper during the Antimasonic régime.

Harrisburg Gazette.

1832. In Pa. State Library, Harrisburg.

A Clay paper supporting Wolf.

Hazard's Register of Pennsylvania.

1828-1835. In Pa. State Library, Harrisburg; Wis. Hist. Library, and Boston Atheneum, etc.

Useful for canal reports, governors' messages, State financial reports, etc.

Westmoreland Intelligencer. Greensburg.

1833-1834. In Pa. State Library, Harrisburg.

Valuable as an example of an Antimasonic country paper.

• **American Sentinel.** Philadelphia.

Jan. 1, 1829-Dec. 31, 1830. Jan. 2, 1832-Dec. 31, 1838. In Library of Congress. Pa. State Library, Harrisburg, has a file, but it is in such bad shape as to be practically useless.

American Daily Advertiser. Philadelphia.

1827-1839. In Library of Congress.

1829-1832. 1833-1835. 1837-1838. In Wis. Hist. Library.

American Volunteer. Carlisle.

• Oct., 1831-1840. In Pa. State Library, Harrisburg.

A bright, country, Democratic paper, full of political news.

Lancaster Examiner and Herald.

April 15, 1830-April 30, 1834. In Library of Congress.

York Gazette.

May 27, 1828-Sept. 15, 1829. In Library of Congress.

9. Pennsylvania—Continued.

Pittsburg Gazette.

1829-1840. In Pa. Historical Library, Philadelphia.

A radical Antimasonic paper, which shows the opinions of the Scotch-Irish Presbyterians of western Pennsylvania.

10. Rhode Island.

Rhode Island Republican. Newport.

Jan. 1, 1829-Nov. 19, 1829. Jan. 7, 1830, Dec. 2, 1830. Oct., 1833-1838. In Library of Congress.

Republican Herald. Providence.

Jan. 7, 1833-Dec. 8, 1833. Jan. 3, 1835-1838. In Library of Congress.

11. Vermont.

Vermont Gazette. Bennington.

Feb. 9, 1830-Dec. 5, 1832. Jan. 7, 1834-1837. In Library of Congress. Nearly a complete file, 1827-1835, in Vermont State Library, Montpelier.

Vermont Intelligencer. Bellows Falls.

February 25, 1832-February 15, 1834. In Library of Congress. 1832-1833. In Vermont State Library, Montpelier.

Vermont Patriot and State Gazette. Montpelier.

May 4, June 22, June 29, 1829. August 6, 1832-1837. In Library of Congress. 1830-1833. In Vermont State Library, Montpelier.

Vermont Argus. Middlebury.

January 4, 11, February 28, 1832. January 5, 1836-September 26, 1837. In Library of Congress.

Burlington Sentinel.

1827-1830. In American Antiquarian Library, Worcester. 1830-1837. In Vermont State Library, Montpelier.

North Star. Danville.

1827-1836.

The pioneer Antimasonic paper of the State.

Vermont Watchman. Montpelier.

1829 and 1831. In Vermont State Library, Montpelier.

Also in Library of University of Vermont, Burlington.

A leading National Republican paper, containing important political news.

Vermont State Journal. Montpelier.

1831-1836. In Vermont State Library, Montpelier.

An official organ during the Antimasonic régime. Gives the best history of Antimasonic movements in the State from an Antimasonic standpoint.

Vermont Chronicle. Windsor.

1831-1836. In Vermont State Library, Montpelier. Also in Library of State University of Vermont, Burlington.

12. Miscellaneous papers.

American Free Mason. Louisville, Ky.

1854. In Wisconsin Historical Library.

Contains a Masonic account of Antimasonry. It is very useful from that standpoint.

Temperance Recorder. Albany, N. Y.

March, 1832–February, 1835. In Wisconsin Historical Library.

Important for occasional references as to the views of temperance advocates on the subject of Antimasonry.

Niles Register. Baltimore.

1827–1840.

One of the most valuable sources for election accounts, investigations speeches, incidents, etc.

XVII.—LIST OF PUBLICATIONS OF THE AMERICAN HISTORICAL
ASSOCIATION, 1885-1902, AND THE AMERICAN SOCIETY
OF CHURCH HISTORY, 1888-1897. CONTENTS OF
AMERICAN HISTORICAL REVIEW, 1895-1902.

By A. HOWARD CLARK.

LIST OF PUBLICATIONS OF THE AMERICAN HISTORICAL ASSOCIATION, 1885-1902; AND OF THE AMERICAN SOCIETY OF CHURCH HISTORY, 1888-1897. CONTENTS OF AMERICAN HISTORICAL REVIEW, 1895-1902.

I.—PAPERS OF THE AMERICAN HISTORICAL ASSOCIATION.

1885.

Papers of the American Historical Association. Vol. I. New York and London, 1885.

8vo. pp. v, 502.

CONTENTS.

No. 1.

(1) Secretary's Report of the Organization and Proceedings, Saratoga, September 9, 10, 1884, pp. 5-44. Prefaced by a reprint of an article by H. B. Adams on "A New Historical Movement," from *The Nation*, September 18, 1884.

No. 2.

(2) On Studies in General History and the History of Civilization, by Andrew D. White, President of the Association, pp. 1-28 [45-72].

No. 3.

(3) History and Management of Land Grants for Education in the Northwest Territory, by George W. Knight, pp. 1-175 [73-247].

No. 4.

(4) The Louisiana Purchase in its influence upon the American System, by the Right Reverend C. F. Robertson, D. D., Bishop of Missouri, pp. 1-42 [249-290].

No. 5.

(5) History of the Appointing Power of the President, by Lucy M. Salmon, pp. 1-129 [291-419].

No. 6.

(6) Report of the Proceedings of the American Historical Association, Second Annual Meeting, Saratoga, September 8-10, 1885, by Herbert B. Adams, Secretary of the Association, pp. 1-73 [421-493]; index, pp. 75-82 [495-502].

1887.

Papers of the American Historical Association. Vol. II. New York and London, 1887.

8vo. pp. iv, 565.

CONTENTS.

No. 1.

(7) Report of the Proceedings of the American Historical Association at Washington, D. C., April 27-29, 1886, Third Annual Meeting, by Herbert B. Adams, Secretary of the Association, pp. 1-104. Includes abstracts of the following

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papers: Columbus, by Gen. James Grant Wilson; Graphic Methods of Illustrating History, by Dr. Albert Bushnell Hart; The Neglect and Destruction of Historical Materials in this Country, by Prof. Moses Colt Tyler; New Views of Early Virginia History, 1606-1619, by Alexander Brown, esq.; The part taken by Virginia under the Leadership of Patrick Henry in Establishing Religious Liberty as a Foundation of American Government, by Hon. William Wirt Henry; The Causes of the Revolution, by Dr. Edward Channing; The Development of Municipal Government in Massachusetts, by T. Jefferson Coolidge; The March of the Spaniards across Illinois, by Edward G. Mason; The Northwest Territory, its Ordinance and its Government, by Dr. Israel W. Andrews; Did the Louisiana Purchase include Oregon? by William A. Mowry; The Settlement of the Lower St. Lawrence, by Eben Greenough Scott; The Origin of the Highest Functions of the American Judiciary, by Prof. Austin Scott; Jefferson's use of the Executive Patronage, by J. M. Merriam; The Early Protective Movement and the Tariff of 1828, by Dr. F. W. Taussig; The Attack on Washington City in 1814, by Maj. Gen. George W. Cullum; Confederate and Federal Strategy in the Pope Campaign before Washington in 1862, by Col. William Allan; The States' Rights Theory: Its Evolution and Involution in American Politics, by James C. Welling; The Reconstruction of History, by Dr. George E. Ellis; William Usselinx, by J. F. Jameson; Franklin in France, by Dr. Edward Everett Hale; Historical Studies in Canada, by George Stewart, jr. pp. 1-104.

No. 2.

(8) A History of the Doctrine of Comets, by Andrew D. White, President of the Association, pp. 1-43 [105-147].

No. 3.

(9) William Usselinx, Founder of the Dutch and Spanish West Indian Companies, by J. Franklin Jameson, Ph. D., pp. 1-234 [149-382].

No. 4.

(10) Church and State in the United States, or the American Idea of Religious Liberty and its Practical Effects, by Philip Schaff, D. D., LL. D., pp. 1-161 [383-543]; index [546-565].

1889.

Papers of the American Historical Association. Vol. III. New York and London, 1889.

8 vo. pp. iv, 536.

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No. 1.

(11) Report of the Proceedings at Boston and Cambridge, May 21-24, 1887, Fourth Annual Meeting, by Herbert B. Adams, Secretary of the Association.

(12) Manuscript Sources of American History—The conspicuous Collections extant, by Justin Winsor, pp. 9-27.

(13) Diplomatic Prelude to the Seven Years' War, by Herbert Elmer Mills, pp. 29-40.

(14) A Short Account of the Life and Times of Silas Deane, by Charles Isham, pp. 40-47.

(15) Historical Grouping, by James Schouler, pp. 48-52.

(16) The Constitutional Relations of the American Colonies to the English Government at the Commencement of the Revolution, by Mellen Chamberlain, pp. 52-74.

(17) On the Peace Negotiations of 1782-83, as Illustrated by the Secret Correspondence of France and England, by John Jay, pp. 79-100.

(18) Biographical Sketch of Leopold von Ranke, with an account of Ranke and the Historical Commission of the Bavarian Academy of Science, and Bibliographical Notes on Leopold von Ranke, by Herbert B. Adams, pp. 101-133.

(19) A Reminiscence of Ranke, by Frederic A. Bancroft, pp. 121-124.

(20) The Parliamentary Experiment in Germany, by Kuno Francke, pp. 133-146.

- (21) A Study in Swiss History, by John Martin Vincent, pp. 146-164.
- (22) The Spaniard in Mexico, by W. W. H. Davis, pp. 164-176.
- (23) Abstract of paper by Prof. Moses Colt Tyler: The Historical Name of Our Country, pp. 176-178.
- (24) The Biography of a River and Harbor Bill, by Dr. Albert Bushnell Hart, pp. 180-197.
- (25) Extract from a paper by Col. Carroll D. Wright on The Study of Statistics in American Colleges, pp. 197-202.
- (26) Abstract of a paper by Prof. Arthur M. Wheeler on The Government of London, pp. 203-206.
- (27) Religious Liberty in Virginia, and Patrick Henry, by Charles J. Stillé, pp. 205-211.
- (28) Abstract of a paper by Philip Schaff on The American Chapter in Church History, pp. 211-213.
- (29) Notes on Historical Studies in Canada, by George Stewart, jr., pp. 213-215.
- (30) A letter written in 1500 from Hispaniola by a Franciscan Missionary, pp. 215-219.
- (31) Necrology: Calvin Holmes Carter and James Carson Brevoort, pp. 223-227.
- (32) List of members of the American Historical Association, pp. 229-238.

No. 2.

- (33) Report of the Proceedings, Washington, D. C., December 26-28, 1888, Fifth Annual Meeting, by Herbert B. Adams, Secretary of the Association, pp. 1-30 [245-274].
- (34) The Early Northwest, Inaugural Address by William F. Poole, LL. D., President of the Association, pp. 31-56 [275-300].
- (35) Remarks by Hon. George B. Loring on Dr. Poole's Address, pp. 56-64 [300-308].
- (36) The Influence of Governor Cass in the Development of the Northwest, by Prof. A. C. McLaughlin, pp. 65-83 [309-327].
- (37) The Place of the Northwest in General History, by William F. Allen, pp. 85-104 [329-348].
- (38) Internal Improvements in Ohio, 1825-1850, by Charles N. Morris, pp. 105-136 [349-380].
- (39) The Old Federal Court of Appeal, by Prof. J. Franklin Jameson, pp. 137-148 [381-392].
- (40) Canadian Archives, by Douglas Brymner, pp. 149-163 [393-407].
- (41) The States-Rights Conflict over the Public Lands, by James C. Welling, LL. D., pp. 165-188 [409-432].
- (42) The Martyrdom of San Pedro Arbués, by Henry Charles Lea, pp. 189-209 [433-453].
- (43) A Reply to Dr. Stillé upon Religious Liberty in Virginia, by Hon. William Wirt Henry, pp. 211-220 [455-464].
- (44) American Trade Regulations before 1789, by Willard Clark Fisher, pp. 221-249 [465-493].
- (45) Museum-History and History of Museums, by George Brown Goode, LL. D., pp. 251-275 [495-519].
- (46) Appointment of Committees, etc. Index, pp. 276-292 [520-536].

1890.

Papers of the American Historical Association. Vol. IV. New York and London, 1890.

8 vo. pp. viii, 537.

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Part 1, January, 1890.

- (47) Report of the Proceedings of the American Historical Association at the Sixth Annual Meeting, Washington, D. C., December 28-31, 1889, by Herbert B. Adams, Secretary of the Association, pp. 1-21; List of members, pp. 23-34; Report of the Treasurer, Clarence W. Bowen, p. 35.

- (48) Recent Historical Work in the Colleges and Universities of Europe and America; Inaugural Address of President Charles Kendall Adams, LL. D., pp. 37-65.
 (49) A Catechism of the Revolutionary Reaction, by Andrew D. White, pp. 67-92.

Part 2, April, 1890.

- (50) The Origin of the National Scientific and Educational Institutions of the United States, by G. Brown Goode, Ph. D., LL. D., pp. 3-112 [93-202].

Part 3, July, 1890.

- (51) The Mutual Obligation of the Ethnologist and the Historian, by Otis T. Mason, pp. 3-13 [203-213].
 (52) Historical Survivals in Morocco, by Talcott Williams, pp. 13-34 [213-234].
 (53) The Literature of Witchcraft, by Prof. George L. Burr, pp. 35-66 [235-266].
 (54) The Development of International Law as to Newly Discovered Territory, by Walter B. Scaffe, Ph. D., pp. 67-93 [267-293].
 (55) The Spirit of Historical Research, by James Schouler, pp. 95-106 [295-306].
 (56) A Defense of Congressional Government, by Dr. Freeman Snow, pp. 107-128 [307-328].

Part 4, October, 1890.

- (57) Materials for the History of the Government of the Southern Confederacy, by John Osborne Sumner, pp. 3-19 [329-345].
 (58) The Constitutional Aspect of Kentucky's Struggle for Autonomy, 1784-1792, by Ethelbert D. Warfield, pp. 21-39 [347-365].
 (59) The Pelham Papers—Loss of Oswego, by William Henry Smith, pp. 41-53 [367-379].
 (60) Notes on the Outlook for Historical Studies in the South, by Prof. William P. Trent, pp. 55-65 [381-391].
 (61) Economic and Social History of New England, 1620-1789, by William B. Weedon, pp. 67-78 [398-404].
 (62) The Early History of the Ballot in Connecticut, by Prof. Simeon E. Baldwin, pp. 79-96 [407-422].
 (63) Bibliography of the American Historical Association, by Paul Leicester Ford, pp. 97-103 [423-429].
 (64) Brief Notes on the Present Condition of Historical Studies in Canada, by George Stewart, Jr., D. C. L., LL. D., pp. 105-109 [431-435].
 (65) The Trial and Execution of John Brown, by Gen. Marcus J. Wright, pp. 111-126 [437-452].
 (66) A Few Facts from the Records of William and Mary College, by President Lyon G. Tyler, pp. 117-141 [453-467].
 (67) The Impeachment and Trial of President Johnson, by Dr. William A. Dunning, pp. 143-177 [469-503].
 (68) Committees, Historical Societies, etc., 179-211 [505-537].

1891.

Papers of the American Historical Association. Vol. V. New York and London, 1891. [The series of papers end with this volume.]

8vo. pp. iv, 503.

CONTENTS.

Parts 1-2, January and April, 1891.

- (69) Report of the Proceedings of the American Historical Association, at the Seventh Annual Meeting, Washington, D. C., December 29-31, 1890, by Herbert B. Adams, Secretary of the Association, pp. 1-16.
 (70) The Demand for Education in American History: Inaugural Address of Hon. John Jay, LL. D., President of the Association, pp. 19-43.
 (71) The Theory of the Village Community, by Dr. Charles M. Andrews, pp. 47-60.
 (72) Remarks on Dr. Andrews's Paper, by William B. Weedon, pp. 60-61.

- (73) Karl Follen and the German Liberal Movement (1815 to 1819), by Prof. Kuno Francke, pp. 65-81.
 (74) Bismarck as the Typical German, by William G. Taylor, pp. 85-109.
 (75) State Activities and Politics, by William F. Willoughby, A. B., pp. 113-127.
 (76) Mirabeau's Speech of May 20, 1790, by Dr. Fred. Morrow Fling, pp. 131-139.
 (77) The Organization of Historical Material, by W. H. Mace, M. A., pp. 143-161.
 (78) The Origin of American Institutions, as Illustrated in the History of the Written Ballot, by Douglas Campbell, pp. 165-185; Remarks on Mr. Campbell's Paper, by Dr. Williston Walker, pp. 185-186; Remarks on Mr. Campbell's Paper, by Prof. J. F. Jameson, p. 186.

Part 3, July, 1891.

- (79) The Fate of Dietrich Flade, by Prof. George L. Burr, pp. 3-57 [189-243].
 (80) The Philosophic Aspects of History, by Wm. T. Harris, LL. D., pp. 61-63 [247-254].
 (81) Brief Notes on the Present Condition of Historical Studies in Canada, by George Stewart, D. C. L., LL. D., D. Litt., F. R. G. S., F. R. S. C., pp. 71-74 [257-260].
 (82) Is History a Science? by Prof. R. H. Dabney, Ph. D., pp. 77-86 [263-272].
 (83) Canada and the United States: An Historical Retrospect, by John George Bourinot, C. M. G., LL. D., D. C. L., pp. 89-147 [275-333].

Part 4, October, 1891.

- (84) Slavery in New York: The Status of the Slave under the English Colonial Government, by Edwin Vernon Morgan, A. M., pp. 3-16 [337-350].
 (85) Amendments to the Constitution of the United States, by Dr. Herman V. Ames, pp. 19-29 [353-363].
 (86) Congressional Demands upon the Executive for Information, by Edward Campbell Mason, pp. 33-41 [367-375].
 (87) A Plea for Reform in the Study of English Municipal History, by Dr. Charles Gross, pp. 45-58 [379-392].
 (88) The Yazoo Land Companies, by Dr. Charles H. Haskins, pp. 61-103 [395-437].
 (89) The Lost Colony of Roanoke: Its Fate and Survival, by Prof. Stephen B. Weeks, Ph. D., pp. 107-146 [441-480].
 Index, pp. 147-169 [481-503].

II.—ANNUAL REPORTS OF THE AMERICAN HISTORICAL ASSOCIATION.

1889.

Annual Report of the American Historical Association for the year 1889.
 Washington: Government Printing Office, 1890.

8vo. pp. viii, 427.

Transmitted by the Secretary of the Association to the Secretary of the Smithsonian Institution and submitted to Congress in accordance with the Act of Incorporation of the Association. Printed as Senate Miscellaneous Document No. 170 of the Fifty-first Congress (first session).

CONTENTS.

- (90) Report of Proceedings at Sixth Annual Meeting, Washington, D. C., December 28-31, 1889, by Herbert B. Adams, pp. 1-18.
 (91) Recent Historical Work in the Colleges and Universities of Europe and America, by Charles Kendall Adams, pp. 19-42.
 (92) The Spirit of Historical Research, by James Schouler, pp. 43-51.
 (93) The Origin of the National Scientific and Educational Institutions of the United States, by G. Brown Goode, pp. 53-161.
 (94) A Partial Bibliography of the Published Works of Members of the American Historical Association, by Paul Leicester Ford, pp. 163-386.
 Index, pp. 387-427.

1890.

Annual Report of the American Historical Association for the year 1890.
Washington: Government Printing Office, 1891.

8vo. pp.x, 310.

Transmitted by the Secretary of the Association to the Secretary of the Smithsonian Institution and submitted to Congress in accordance with the Act of Incorporation of the Association. Printed as Senate Miscellaneous Document No. 88 of the Fifty-first Congress (second session).

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(95) Report of Proceedings of the Seventh Annual Meeting of the American Historical Association, held in Washington, D. C., December 29-31, 1890, by Herbert B. Adams, pp. 3-12.

(96) The Demand for Education in American History, Inaugural Address by Hon. John Jay, LL. D., pp. 15-36.

(97) [Abstract.] Canada and the United States from Historical Points of View, by J. G. Bourinot, C. M. G., LL. D., pp. 39-40.

(98) [Abstract.] New England Settlements in Acadia, by Benjamin Rand, Ph. D., pp. 41-42.

(99) [Abstract.] The Legislative Work of the First Parliament of Upper Canada, by William Houston, M. A., pp. 43-44.

(100) [Abstract.] The Fate of Dietrich Flade, by Prof. George L. Burr, p. 47.

(101) [Abstract.] Theory of Village Community, by Dr. Charles M. Andrews, pp. 49-50.

(102) [Abstract.] A Plea for Reform in the Study of English Municipal History, by Dr. Charles Gross, pp. 51-52.

(103) [Abstract.] Mirabeau's Speech of May 20, 1790, by Dr. Frederick M. Fling, pp. 53-54.

(104) [Abstract.] The Formation of the French Constitution, by Prof. Adolphe Cohn, pp. 55-56.

(105) [Abstract.] Karl Follen and the Liberal Movement in Germany, by Prof. Kuno Francke, pp. 57-58.

(106) [Abstract.] Bismarck the Typical German, by William G. Taylor, p. 59.

(107) [Abstract.] How the Written Ballot came into the United States, by Douglas Campbell, pp. 63-65.

(108) [Abstract.] A Virginia Bill of Attainder—The Case of Josiah Phillips, by Prof. William P. Trent, pp. 67-68.

(109) [Abstract.] Amendments to the Constitution of the United States, by Herman V. Ames, pp. 66-70.

(110) [Abstract.] Congressional Demands upon the Executive for Information, by Edward Campbell Mason, pp. 71-72.

(111) [Abstract.] Responsible Government in Canada, by J. G. Bourinot, C. M. G., LL. D., pp. 73-74.

(112) [Abstract.] Bills of Rights in State Constitutions, by General R. D. Mussey, pp. 75-77.

(113) [Abstract.] Development of the Budget in the United States, by E. D. Adams, p. 81.

(114) [Abstract.] The Yazoo Land Companies, by Dr. Charles H. Haskins, p. 83.

(115) [Abstract.] State Activities and Politics, by Wm. F. Willoughby, pp. 85-86.

(116) [Abstract.] Slavery in New York—The Status of the Slave under the English Colonial Government, by Edwin Vernon Morgan, A. B., pp. 87-88.

(117) [Abstract.] Slavery in the District of Columbia—The Policy of Congress and the Struggle for Abolition, by Mary Tremain, A. M., pp. 89-91; Remarks on Miss Tremain's Paper, by William Birney, pp. 91-93.

(118) [Abstract.] Raleigh's Settlements on Roanoke Island—An Historical Survival, by Dr. Stephen B. Weeks, pp. 97-98.

(119) [Abstract.] The Political Ideas of the Puritans, by Dr. Herbert L. Osgood, pp. 99-100.

(120) [Abstract.] State Historical Societies, by Gen. C. W. Darling, pp. 101-102.

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1891.

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1892.

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1893.

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1894.

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1895.

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1896.

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1898.

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- (340) Fourth Annual Report of Historical Manuscripts Commission—Correspondence of John C. Calhoun, edited by J. Franklin Jameson; Contents: Preface, pp. 11-19; Chronology of John C. Calhoun, pp. 21-24; Calendar of letters heretofore printed, pp. 25-46; List of letters now printed, pp. 47-64; Account of Calhoun's early life, by Col. W. Pinkney Starke, pp. 65-89; Part I, Letters of Calhoun, pp. 91-787; Part II, Letters to Calhoun, pp. 789-1212; Index, pp. 1213-1218.

1900.

Annual Report of the American Historical Association for the year 1900.
 Washington: Government Printing Office, 1901.

8 vo. 2 vols., pp. 652, 303.

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- (341) Report of Proceedings of Sixteenth Annual Meeting at Detroit and Ann Arbor, Mich., Dec. 27-29, 1900, by A. Howard Clark, Secretary, pp. 1-33.
 (342) The New History, Inaugural Address, by Edward Eggleston, President, pp. 35-47.
 (343) Concerning the Writing of History, by James Ford Rhodes, pp. 49-65.
 (344) Frontier Land Clubs, or Claim Associations, by Benjamin F. Shambaugh, pp. 67-84.
 (345) Missouri Party Struggles in the Civil-War Period, by S. B. Harding, pp. 85-103.
 (346) Lord Baltimore's Struggle with the Jesuits, 1634-1649, by Alfred Pearce Dennis, pp. 105-125.
 (347) American Ecclesiology, by George James Bayles, pp. 127-138.
 (348) Studies in the Colonial Period of England, 1672-1680: The Plantations, the Royal African Company, and the Slave Trade, by Edward D. Collins, pp. 139-192.
 (349) Plea for Military History, by Charles Francis Adams, pp. 193-218.
 (350) Marcus Whitman: A Discussion of Professor Bourne's Paper, by William I. Marshall, pp. 219-236.
 (351) Sectionalism and Representation in South Carolina, A Sociological Study, by William A. Schaper, pp. 237-463.

- (352) Military Government of Southern Territory, 1861-1865, by A. H. Carpenter, pp. 465-498.
- (353) Critical work on the Latin Sources of the First Crusade, by Oliver J. Thatcher, pp. 499-509.
- (354) The Turkish Capitulation, by James B. Angell, pp. 511-519.
- (355) Stein's German Policy at the Congress of Vienna, by Ulysses G. Weatherly, pp. 521-531.
- (356) The Considerations which induced Edward III to Assume the Title King of France, by Walter Irenaeus Lowe, pp. 535-583.
- (357) Fifth Annual Report of the Historical Manuscripts Commission of the American Historical Association, by J. Franklin Jameson, William P. Trent, Frederick J. Turner, and James Bain, jr., with Appendixes on Additional Items Respecting Historical Manuscripts and (358 below) Calendar of Admiral Berkeley's North American Papers, pp. 585-623.
- (358) Calendar of Admiral Berkeley's North American Papers, by James Bain, jr., pp. 608-623.
- (359) Titles of Books on English History, published in 1899, selected by W. Dawson Johnston, pp. 625-639.
- Index, 641-652.

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- (360) First Report of the Public Archives Commission, by William MacDonald, James Harvey Robinson, Howard W. Caldwell, and Lester G. Bugbee, pp. 1-303, with following appendixes, (Nos. 361-369):
- (361) The Public Archives of Connecticut, by Albert C. Bates, pp. 26-36.
- (362) The Public Archives of Indiana, by James A. Woodburn, pp. 37-38.
- (363) The Public Archives of Iowa, by B. F. Shambaugh, pp. 39-46.
- (364) The Public Archives of Massachusetts, by Andrew McFarland Davis, pp. 47-59.
- (365) The Public Archives of Michigan, by Harlow S. Person, pp. 60-63.
- (366) The Public Archives of New York, by H. L. Osgood, pp. 67-250.
- (367) The Public Archives of North Carolina, by J. S. Bassett, pp. 251-266.
- (368) The Public Archives of Pennsylvania, by Herman V. Ames and Lewis S. Shimmell, pp. 267-293.
- (369) The Public Archives of Wisconsin, by Orin G. Libby, pp. 294-297.

1901.

Annual Report of the American Historical Association for the year 1901.
Washington: Government Printing Office, 1902.

8 vo. 2 vols., pp. 583, 360.

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- (370) Report of Proceedings of Seventeenth Annual Meeting of the American Historical Association, Washington, D. C., December 27-31, 1901, by Charles H. Haskins, Corresponding Secretary, pp. 17-45. Treasurer's Report, p. 83.
- (371) An Undeveloped Function, President's Address, by Charles Francis Adams, pp. 47-93.
- (372) The Massachusetts Public Record Commission and its Work, by Robert T. Swan, pp. 95-119.
- (373) The Relation of the National Library to Historical Research in the United States, by Herbert Putnam, pp. 113-129.
- (374) The Sandemanians of New England, by Williston Walker, pp. 131-162.
- (375) James Madison and Religious Liberty, by Gaillard Hunt, pp. 163-171.
- (376) The Chronology of the Erasmus Letters, by Ephraim Emerton, pp. 173-186.
- (377) Moses Coit Tyler, A Memorial Address, by George L. Burr, pp. 187-195.
- (378) Herbert B. Adams, A Memorial Address, by John Martin Vincent, pp. 197-210.
- (379) Maryland's First Courts, by Bernard C. Steiner, pp. 211-229.
- (380) Southwestern History in the Southwest, by George P. Garrison, pp. 231-242.

- (381) Committees of Correspondence of the American Revolution, by Edward D. Collins, pp. 243-271.
- (382) Jay's Treaty and the Slavery Interests of the United States, by Frederic Austin Ogg, pp. 273-298.
- (383) The Legislative History of Naturalization in the United States, 1776-1795, by F. G. Franklin, pp. 299-317.
- (384) The Influence of Party upon Legislation in England and America, by A. Lawrence Lowell, pp. 319-542, with Plates I-IV.
- (385) London Company Records, by Lyon G. Tyler, pp. 543-550.
- (386) The Relation between the Virginia Planter and the London Merchant, by John Spencer Bassett, pp. 551-575.
- Index, pp. 577-583.

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- (387) Georgia and State Rights, a study of the political history of Georgia from the Revolution to the Civil War, with particular regard to Federal relations, by Ulrich Bonnell Phillips (Justin Winsor Prize Essay), pp. 3-224, with Plates I-XII.
- (388) Report of the Public Archives Commission, by William MacDonald, John Martin Vincent, and Howard W. Caldwell, pp. 225-360, includes following appendixes (Nos. 389-391):
- (389) The Public Archives of the City and County of Philadelphia, by Herman V. Ames and Albert E. McKinley, pp. 231-344.
- (390) The Public Archives of North Carolina, by John S. Bassett, pp. 345-352.
- (391) The Public Archives of Texas, by Eugene C. Barker, pp. 353-358.

1902.

Annual Report of the American Historical Association for the year 1902.
Washington: Government Printing Office, 1903.

8 vo. 2 vols., pp. 648, 527.

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- (392) Report of Proceedings of Eighteenth Annual Meeting, at Philadelphia, December 26-30, 1902, by Charles H. Haskins, corresponding secretary, pp. 17-45.
- (393) Subordination in historical treatment, by Alfred Thayer Mahan, pp. 47-63.
- (394) The Antecedents of the Declaration of Independence, by James Sullivan, with discussion by William A. Dunning, pp. 65-85.
- (395) Studies in the History of the Federal Convention of 1787, by John Franklin Jameson, pp. 87-167.
- (396) A Neglected Point of View in American Colonial History: The Colonies as Dependencies of Great Britain, by William MacDonald, pp. 169-178.
- (397) The French Parliaments, by James Breck Perkins, pp. 179-190.
- (398) The Art of Weaving: A Handmaid of Civilization, by William B. Weeden, pp. 191-210.
- (399) Municipal Problems in Mediæval Switzerland, by John Martin Vincent, pp. 211-221.
- (400) Party Politics in Indiana during the Civil War, by James Albert Woodburn, pp. 223-251.
- (401) American Business Corporations before 1789, by Simeon E. Baldwin, pp. 253-274.
- (402) The National Canal Policy, by Lindley M. Keasbey, pp. 275-288.
- (403) The Neutralization Features of the Hay-Pauncefote Treaty, by John H. Latané, pp. 289-303.
- (404) Suez and Panama, A Parallel, by Theodore S. Woolsey, pp. 305-311.
- (405) Reasons for the Withdrawal of the French from Mexico, by Clyde Augustus Dunaway, pp. 313-328.

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(406) Report of the Public Archives Commission, by William MacDonald, Herbert L. Osgood, John Martin Vincent, Charles M. Andrews, Edwin Erle Sparks, pp. 329-363, including appendixes (Nos. 407, 408 below).

(407) The Archives of Oregon, by F. G. Young, pp. 337-355.

(408) Report on the Bexar Archives, by Eugene C. Barker, pp. 357-363.

(409) The Anti-Masonic Party, by Charles McCarthy, pp. 331-374.

(410) List of Publications of American Historical Association, with index of titles, by A. Howard Clark, pp. 575-639.

Volume II.

(411) Sixth Report of Historical Manuscripts Commission, by Edward G. Bourne, Frederick W. Moore, Theodore C. Smith, Reuben G. Thwaites, George P. Garrison, Worthington C. Ford. With diary and correspondence of Salmon P. Chase, as follows: Calendar of Chase letters heretofore printed and list of letters now printed; diary of S. P. Chase, July 21 to October 12, 1862; selected letters of Chase, 1846-1861; letters from George S. Denison to Chase, 1862-1865; miscellaneous letters to Chase, 1842-1870. pp. 1-527.

III.—THE AMERICAN SOCIETY OF CHURCH HISTORY.

The American Society of Church History, organized March 23, 1888, was on December 31, 1896, constituted the Church History Section of the American Historical Association. The publications of the Society from 1889 to 1897, comprising eight volumes of "Papers," edited by Rev. Samuel Macauley Jackson, M. A., secretary, have been transferred to the American Historical Association, and this series of Papers is discontinued.

Papers of the American Society of Church History. Vol. I. Report and papers of the first annual meeting, held in the city of Washington, December 28, 1888. New York and London, 1889.

8vo. pp. xxx (2), 271. (Out of print.)

CONTENTS.

Organization of the Society; Constitution; First annual meeting; Letters from the honorary members.

The progress of religious freedom, as shown in the history of toleration acts, by Philip Schaff.

Indulgences in Spain, by Henry Charles Lea.

A crisis in the Middle Ages, by James Clement Moffat.

Melanchthon's "Synergism," by Frank Hugh Foster.

Some notes on syncretism in the Christian theology of the second and third centuries, by Hugh McDonald Scott.

The influence of the golden legend on pre-Reformation culture history, by Ernest Cushing Richardson.

Notes on the New Testament canon of Eusebius, by Arthur Cushman McGiffert.

A note on the need of a complete missionary history in English, by Samuel Macauley Jackson.

List of members.

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Papers of the American Society of Church History. Vol. II. New York, 1890.

8vo. pp. xx (2), 104.

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The Camisard uprising of the French Protestants, by H. M. Baird.

- Parochial libraries of the colonial period, by J. F. Hurst.
 Dante's theology, by Philip Schaff.
 The corruption of Christianity through paganism during the first two centuries,
 by Abraham H. Lewis.
 Some relics of early Presbyterianism in Maryland, by J. W. McIlvain.
 List of members.

Papers of the American Society of Church History. Vol. III. Report and papers of third annual meeting, December 30, 31, 1890. Edited by Samuel Macauley Jackson. New York, 1891.

8vo. pp. xiii, 251.

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- The Renaissance, the revival of learning and art in the fourteenth and fifteenth centuries, by Philip Schaff.
 The historical geography of the Christian Church, by Henry W. Hulbert.
 The Anabaptists of the sixteenth century, by H. S. Burrage.
 The vicissitudes of the doctrine of the Lord's Supper in the English Church, by J. W. Richards.
 Villegaignon, founder and destroyer of the first Huguenot settlement in the New World, by T. E. V. Smith.
 Report on a proposed series of denominational histories, to be published under the auspices of the American Society of Church History, by Albert Henry Newman.
 The place of church history in the college course of study, by Henry M. MacCracken.
 List of members of the Society.

Papers of the American Society of Church History. Vol. IV. Report and papers of the fourth annual meeting, December 29 and 30, 1891. Edited by Samuel Macauley Jackson. New York, 1892.

8vo. pp. lviii, 235.

CONTENTS.

- Works of interest to the student of church history which appeared in 1891.
 The religious motives of Christopher Columbus, by William Kendall Gillett.
 The "heads of agreement" and the union of Congregationalists and Presbyterians based on them in London, 1691, by Williston Walker.
 Christian unity, or the Kingdom Heaven, by Thomas Davidson.
 The bulls distributing America, by John Jordan.
 The confessional history of the Evangelical Lutheran Church in the United States, by John Nicum.
 Christian thought in architecture, by Barr Ferree.
 The friendship of Calvin and Melancthon, by Philip Schaff.
 Recent researches concerning mediæval sects, by Albert Henry Newman.
 List of members of the Society.

Papers of the American Society of Church History. Vol. V. Report and papers of the fifth annual meeting, held in the city of Washington, December 27 and 28, 1892. Edited by Samuel Macauley Jackson, M. A. New York, 1893.

8vo. pp. lxii, 143.

CONTENTS.

- Bibliography of works of interest to the student of church history which have appeared in 1892, compiled by the secretary.
 St. Thomas of Canterbury, by Philip Schaff.
 The Absolution Formula of the Templars, by Henry Charles Lea.
 The services of the Mathers in New England religious development, by Williston Walker.
 Holland and religious freedom, by Rev. Talbot Wilson Chambers.
 The Italian Renaissance of to-day, by Rev. George Robert White Scott.
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Papers of the American Society of Church History. Vol. VI. Reports and papers of the sixth annual meeting, December 27 and 28, 1893. Edited by Rev. Samuel Macauley Jackson, M. A. New York, 1894.

8vo. pp. xxx, 224.

CONTENTS.

The Schaff memorial meeting, December 27, 1893; Dr. Schaff as a Bible student and reviser, by T. W. Chambers; Dr. Schaff as uniting Teutonic and Anglo-Saxon scholarship, by J. F. Hurst; Dr. Schaff and the Lutheran Church, by H. E. Jacobs; Dr. Schaff and the Episcopal Church, by C. C. Tiffany; Dr. Schaff and the Roman Catholic Church, by T. J. Shahan; Dr. Schaff as a literary worker, by E. C. Richardson; Tribute from Joseph Henry Allen.

Life and work of Bishop Francis Asbury, by Asbury Lowry.

Benjamin Schmolek, by J. E. Rankin.

Life and work of St. Thomas Aquinas, by Thomas O'Gorman.

The Gospel of Peter, by A. C. McGiffert.

Faust and the Clementine recognitions, by E. C. Richardson.

The contest for religious liberty in Massachusetts, by H. S. Burrage, D. D.

The doctrine of apostolic succession in the Church of England, by H. C. Vedder.

Prayers for the dead, by G. F. Williams.

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Papers of the American Society of Church History. Vol. VII. Reports and papers of the seventh annual meeting, held in the city of Washington, D. C., December 27 and 28, 1894. Edited by Rev. Samuel Macauley Jackson, M. A., secretary. New York, 1895.

8vo. pp. ccxlviii, 65.

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Dr. Schaff as an historian, by G. P. Fisher.

Some elements in the making of the United States, by C. H. Small.

Judge Samuel Sewall (1652-1730), a typical Massachusetts Puritan, by J. L. Ewell.

List of members.

Papers of the American Society of Church History. Vol. VIII. Reports and papers of the eighth and ninth annual meetings, held in the city of New York, December 26 and 27, 1895, and December 29 and 30, 1896. Edited by Rev. Samuel Macauley Jackson, M. A., secretary. New York and London, 1897.

8vo. pp. xxxi, 323.

CONTENTS.

Constitution of the Society; Eighth Annual Meeting; Ninth Annual Meeting.

A brief sketch of the United Synod of the Presbyterian Church in the United States of America, by Rev. Thomas Cary Johnson.

The teachings of Antonio Rosmini and the censures passed upon them by ecclesiastical authority, by Rev. Henry Clay Sheldon.

The ecclesiastical situation in New England prior to the Revolution, by Rev. Joseph Henry Allen.

Amsterdam correspondence, by Rev. Edwin Tanjore Corwin.

John Elliot, the Puritan missionary to the Indians, by Rev. Ezra Hoyt Byington.

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Wesley as a churchman, by Rev. John Alfred Faulkner.

The attitude of the western church toward the study of the Latin classics in the early Middle Ages, by Dana Carleton Munro.

The development of the appellate jurisdiction of the Roman See, by Rev. Joseph Cullen Ayer.

Hincmar, an introduction to the study of the Revolution in the organization of the church in the ninth century, by Guy Carelton Lee.

The attitude of the Society of Friends toward slavery in the seventeenth and eighteenth centuries, particularly in relation to its own members, by Allen Clapp Thomas.

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IV.—THE AMERICAN HISTORICAL REVIEW.

The American Historical Review is published quarterly by The Macmillan Company, under the direction of a board of editors elected by the American Historical Association.

1895-96.

The American Historical Review. Board of editors: George B. Adams, Albert Bushnell Hart, Harry Pratt Judson, John Bach McMaster, William M. Sloane, H. Morse Stephens. Managing editor, J. Franklin Jameson. Vol. I, October, 1895, to July, 1896. New York: The Macmillan Company. London: Macmillan & Co., Ltd., 1896. 8 vo. pp. iv, 811.

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Vol. I. No. 1. October, 1895.

History and Democracy, by William M. Sloane.

The Party of the Loyalists in the American Revolution, by Moses Colt Tyler.

The First Castilian Inquisitor, by Henry C. Lea.

Count Edward de Crillon, by Henry Adams.

Western State-Making in the Revolutionary Era (with map), by Frederick J. Turner.

Documents: Letters of Col. William Byrd, 1736, 1739; Intercepted Letters of Col. G. R. Clark, 1778, 1779; Georgia and the Confederacy, 1865.

Reviews of Books: Hodgkin's "Invaders of Italy, V, VI;" Pollock and Maitland's "English Law;" Truill's "Social England;" Stephens's "Freeman;" Lariviere's "Duruy;" Tower's "La Fayette;" Thayer's "Cases on Constitutional Law;" McMaster's "People of the United States, IV;" Bigelow's "Tilden;" Prowse's "Newfoundland."

Notes and News.

Vol. I. No. 2. January, 1896.

Ferrand Martinez and the Massacres of 1391, by Henry C. Lea.

Radisson and Groseilliers, by Henry C. Campbell.

The Whigs of Colonial New York, by Charles H. Levermore.

Western State-Making in the Revolutionary Era, II, by Frederick J. Turner.

Office-Seeking During Washington's Administration, by Gaillard Hunt.

"The People the Best Governors," by Harry A. Cushing.

Documents: Diary of Richard Smith, 1775-1776; The First Colonial Bishopric, 1786; Lincoln's Nomination to Congress, 1846; Letter of John C. Calhoun, 1847.

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Bibliographical: The Library of the American Antiquarian Society; West Florida.

Notes and News.

Vol. I. No. 3. April, 1896.

- The Battle of Bunker Hill, by Charles Francis Adams.
 The Bohun Wills, by Melville M. Bigelow.
 Virginia and the Quebec Bill, by Justin Winsor.
 The Case of Josiah Philips, by William P. Trent.
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 The First Six Weeks of McClellan's Peninsular Campaign, by James Ford Rhodes.
 Recent Memoirs of the French Directory, by H. Morse Stephens.
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 Reviews of Books: Rashdall's "Universities of the Middle Ages;" Diercks's "Geschichte Spaniens;" Pastor's "Geschichte der Papste, III;" Sitwell's "The First Whig;" Bruce's "Economic History of Virginia;" Kingsford's "History of Canada, III;" Sherman's "Recollections of Forty Years;" Foster's "Commentaries on the Constitution," etc.
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Vol. I. No. 4. July, 1896.

- Hotman and the "Franco-Gallia," by Henry M. Baird.
 The Bohun Wills, II, by Melville L. Bigelow.
 The Battle of Long Island, by Charles Francis Adams.
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 The First National Nominating Convention, by John S. Murdock.
 Documents: Draft of an Address of the Continental Congress to the People of the United States, 1776; The Surrender of Fort Charlotte, Mobile, 1780; Letter of John Page to Madison, 1801.
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 Bibliographical: Proceedings, etc., of Early Party Conventions.
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1896-97.

The American Historical Review. Board of editors: George B. Adams, Albert Bushnell Hart, Harry Pratt Judson, John Bach McMaster, William M. Sloane, H. Morse Stephens. Managing editor, J. Franklin Jameson. Vol. II, October, 1896, to July, 1897. New York: The Macmillan Company. London: Macmillan & Co., Ltd., 1897. 8 vo. pp. iv, 814.

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 Rev. Thomas Bray and his American Libraries, by Bernard C. Steiner.
 The Partition of Poland, by James B. Perkins.
 Documents: Lord Burghley on the Spanish Invasion, 1588; McKean to Washington, 1789; A Committee of the Massachusetts Legislature on Additional Amendments to the Federal Constitution, 1790.
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and Liberty;" Homer's "Life of Hutchinson;" Roosevelt's "Winning of the West, IV;" Weeks's "Southern Quakers and Slavery;" Gail Hamilton's "Biography of James G. Blaine;" and other reviews.

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Boon Services on the Estates of Ramsey Abbey, by N. Neilson.

The Cahiers of 1789 as an Evidence of a Compromise Spirit, by C. H. Lincoln.

The case of Frost vs. Leighton, by Andrew McF. Davis.

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Review of Books: Tsountas and Manatt's "The Mycenaean Age;" Oppenheim's "Administration of the Royal Navy;" Hanotaux's "Histoire du Cardinal de Richelieu, II;" Lowell's "Governments and Parties in Continental Europe;" Tyler's "Literary History of the American Revolution, I;" Burgess's "The Middle Period;" and other reviews.

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1897-98.

The American Historical Review. Board of editors: George B. Adams, Albert Bushnell Hart, Harry Pratt Judson, John Bach McMaster, William M. Sloane, H. Morse Stephens. Managing editor, J. Franklin Jameson. Vol. III, October, 1897, to July, 1898. New York: The Macmillan Company. London: Macmillan & Co., Ltd., 1898. 8 vo. pp. iv, 804.

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The Proprietary Province as a form of Colonial Government, II, by Herbert L. Osgood.

The Development of the Love of Romantic Scenery in America, by Mary E. Woolley.

The Causes of Know-nothing Success in Massachusetts, by George H. Haynes.

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Reviews of Books: Maitland's "Domesday Book and Beyond;" Gardiner's "Cromwell's Place in History;" Hubert's "La Torture aux Pays-Bas Autrichiens;" Lombroso's "Napoleone I el'Inghilterra;" Fisher's "Evolution of the Constitution;" Buckley's "History of Methodism in the United States;" and other reviews.

Bibliographical: A List of Printed Commissions and Instructions to Colonial Governor.

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The Life of Medieval Students as Illustrated by their Letters, by Charles H. Haskins.

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